

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

Case No. – MA 11 of 2023 [CCP 97 of 2022]

Swajan Shome -- VERSUS -- *The State of West Bengal & Ors.*

Serial No. and
Date of order

For the Applicant : Mr. A.K. Niyogi, Ld. Advocate.

For the State respondent : Mr. M.N. Roy, Ld. Advocate.

01
06.03.2023

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638-WBAT/2J-15/2016 (Pt.-II) dated 23rd November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

On consent of the learned counsels for the contesting parties, the case is taken up for consideration sitting singly.

Affidavit of service filed be kept on record.

The prayer in this application is for liberty to add Sri Pratip Kumar Ghosh, Secretary, Public Service Commission, West Bengal as alleged Contemnor No. 2 in the CCP 97 of 2022. Mr. A.K. Niyogi, learned counsel for the applicant submits that the alleged contemnor, Additional Chief Secretary, Home and Hill Affairs Department has referred the matter of promotion to the Public Service Commission, West Bengal for its recommendation. In the order dated 26.07.2022, the Tribunal had directed the alleged contemnor to consider the case of the applicant for promotion to the rank of Deputy Superintendent of Police in OA 756 of 2021.

Mr. M.N. Roy, learned counsel for the State respondents, however, submits that the direction was upon the alleged contemnor, Additional Chief Secretary, Home and Hill Affairs Department and not to the Secretary, Public Service Commission, West Bengal. Therefore, adding him as an alleged contemnor is not as per the Tribunal's order.

I agree that the compliance was to the alleged contemnor, Additional Chief Secretary, Home and Hill Affairs Department and not to Secretary, Public Service Commission, West Bengal. Therefore, a new name cannot be added now in the contempt proceedings as an alleged contemnor. The prayer is not allowed.

Accordingly, the application is **disposed of**.

SS/SM

SAYEED AHMED BABA
Officiating Chairperson & Member (A)