

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

Mr. Sayeed Ahmed Baba, Officiating Chairperson and Hon'ble Member (A).

Case No. – MA 63 of 2024 (OA 55 of 2023).

PRATIP RUDRA - VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

01
25.6.2024

For the Applicant : Mr. M.N. Roy,
Advocate.
For the State Respondents : Mr. G.P. Banerjee,
Advocate.

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.

Affidavit of service filed be kept on record.

In this application, Mr. Roy, learned counsel has submitted that the Disciplinary Authority had imposed a punishment in the Final Order against the charged officer under Rule 8 (iv) of WBS (CC&A) Rules, 1971. The punishment imposed was lowering of five stages of his pay band for the next five years. Submission of Mr. Roy is that under this sub rule, only such punishment can be imposed, therefore, the Disciplinary Authority cannot debar the applicant from any promotional avenues, if otherwise eligible. Mr. Roy quotes Sub rule 8 (iv) by which the Govt. can debar an employee from promotion.

Mr. Banerjee, learned counsel for the State respondents agrees to the definition of the rules sub rules as stated by Mr. Roy. Mr. Banerjee further submits that by filing such application relating to promotion, the applicant is simply being presumptuous.

Having heard the submissions of the learned counsels, this Tribunal is of the opinion that since the prayer in this application relating to promotion of the applicant is not part of the main prayer in OA 55 of 2023, therefore, such prayer

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relating to promotion is not admissible at this stage. Therefore, this application is disposed of without passing any order.

(SAYEED AHMED BABA)
Officiating Chairperson and Member (A).

Sk.

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