

**ORDER SHEET**  
**WEST BENGAL ADMINISTRATIVE TRIBUNAL**  
**Bikash Bhavan, Salt Lake, Kolkata – 700 091.**

**Present-**

**THE HON'BLE SAYEED AHMED BABA, OFFICIATING CHAIRPERSON AND ADMINISTRATIVE MEMBER,**

**Case No. - OA 268 OF 2023**

**TAPAN KUMAR DAS GUPTA - Vs - THE STATE OF WEST BENGAL & OTHERS.**

Serial No. and  
Date of order

07  
17.04.2025

For the Applicant	:	Mr. Asok Kumar Das Sinha Advocates
For the State Respondents	:	Mr. Soumendra Narayan Ray 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 23<sup>rd</sup> 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.

The prayer in this application is for implementation of the order of this Tribunal dated 08.09.2022 in OA-552 of 2015. By this order, the Tribunal had passed the following direction:

*“As the applicant has suffered for long twelve years and only the punishment of censure has been imposed upon him, he is entitled to get all the benefits including promotion, if due during the period”.*

After conclusion of the Departmental Proceedings against the applicant, the Conservator of Forests, Parks & Gardens Circle, passed the final order in Memo. 863 dated 22.12.2011. The order censured the applicant and such censor was recorded in his service book. An appeal by the applicant before the Principal Secretary Chief Conservator of Forests was also responded on 07.04.2015 confirming the order of censure passed by the Disciplinary Authority in the final order dated 22.12.2011. This Tribunal in OA-552 of 2015 also observed that *“as the applicant has suffered for long twelve years and only the punishment of*

*censure has been imposed upon him, he is entitled to get all the benefits including promotion, if due during this period”.*

Mr.A.K.Das Sinha, learned counsel submits that the applicant has been praying for promotion retrospectively since censure is not a punishment and cannot stand as a hurdle for his punishment. Mr.S.N.Ray, learned counsel does not oppose, if a suitable direction is given to the respondent authorities to consider the applicant's prayer for awarding him promotion, if otherwise, entitled.

With the above points submitted, the Tribunal is of the view that it will not be unreasonable, if the authorities are directed to examine whether the applicant is entitled for a promotion. Since the Tribunal does not find any copy of representation furnished by the applicant praying for such promotion and such details of promotion are not known to this Tribunal, it passes a direction to the respondent No. 2, the Principal Chief Conservator of Forests to consider this application as his prayer and take a final decision as per rules preferably within four months from the date of communication of this order.

The application is disposed of.

**(SAYEED AHMED BABA)**  
**OFFICIATING CHAIRPERSON AND MEMBER (A)**