

18
13.06.2024
Ct. No. 11
Jayanta

WP.ST 65 of 2024

**Swajan Shom
Vs
The State of West Bengal & Ors.**

Mr. Asim Kumar Niyogi
Mr. Vaskar Pal

.....For the Petitioner.

Ms. Sonal Singh
Ms. Ashmita Chakraborty

.....For the State.

Ms. Shraboni Sarkar

.....For the P.S.C.,W.B.

The present writ petition has been preferred challenging an order dated 26th July, 2022 passed by the learned Tribunal in the original application (hereinafter referred to as the OA) being OA 756 of 2021. The operative part of the said order runs as follows :

‘Since admittedly the currency period of punishment of the applicant has expired on 30th June, 2022, considering the facts and circumstances of the case, the application is disposed of by directing the Additional Chief Secretary, Home and Hill Affairs Department, Government of West Bengal-the respondent no. 1(a) to consider the case of the applicant for promoting him to the rank of Deputy Superintendent of Police within eight weeks from the date on which vacancy for such post occurs.’

Mr. Niyogi, learned advocate appearing for the petitioner submits that the respondents have denied promotion to the petitioner in derogation to the provisions of the Police Regulation of Bengal (hereinafter referred to as PRB). Promotion was granted to the juniors to the petitioner in a most arbitrary manner. Such issues, as urged, were glossed over by the learned Tribunal and no finding was returned on the same. Such infirmity warrants interference of this Court.

The learned advocates appearing for the respondents denies and disputes the contention of the petitioner.

Heard the learned advocates appearing for the respective parties and considered the materials on record.

In compliance with the order dated 26th July, 2022, the petitioner submitted a representation to the competent authority and as the same was not considered, the petitioner was constrained to prefer a contempt application being CCP 97 of 2022. Upon considering the submissions of the learned advocates, the said contempt proceeding against the alleged contemnors was dropped and the contempt application was disposed on 14th September, 2022. The said order has not been challenged by the petitioner and the present writ petition has been affirmed more than 1½ year thereafter on 20th March, 2024.

In the said conspectus, no interference is called for in the present writ petition and the same is, accordingly, dismissed.

There shall, however, be no order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court

(Supratim Bhattacharya, J.) (Tapabrata Chakraborty, J.)