

S/L 26
22.11.2024
Court. No. 551
Suvayan

WPA 16556 of 2018

**Ratan Lal Biswas
Vs.
The State of West Bengal & Ors.**

Mr. Lalratan Mondal

...for the petitioner.

*Mr. Jahar Lal De
Mr. Shamil-Ul-Bari*

...for the State.

1. By filing the instant writ petition under Article 226 of the Constitution of India the writ petitioner prays for issuance of appropriate writ directing the respondent authorities to enquire into the matter of the promotion of the private respondent in accordance with law with a further prayer to revise the pensionary benefit as awarded to the writ petitioner.

2. In course of hearing learned Advocate for the writ petitioner draws attention of this Court to page No. 17 of the instant writ petition being Annexure - P1. It is submitted that immediately prior to his retirement the writ petitioner made a representation before the Speaker of the Legislative Assembly to fill up the post of Special Secretary so that he may be absorbed in the post of Officer on Special Duty (O.S.D.). It is contended that such prayer was not considered and on the contrary the Secretary of the West Bengal Legislative Assembly ignored to make necessary endorsement in the ACR of the private respondent as a result whereof the writ petitioner has been deprived of his legitimate promotional benefit as well as pensionary benefit.

3. On being asked learned Advocate for the writ petitioner submits before this Court that along with the instant writ petition he has not filed any document regarding the rules of promotion of a staff of West Bengal Legislative Assembly.

4. Learned Advocate for the respondent/State opposes the contention of the writ petitioner. It is submitted that the Secretary of the Legislative Assembly is not duty bound to make an adverse comment in the ACR of the private respondent simply on the basis of a complaint made by the writ petitioner.

5. After careful consideration of the entire materials as placed before this court it appears that the writ petitioner has failed to prove any perversity on the part of the respondent authorities in giving remarks in the ACR of the private respondent. It is settled principle of law that ACR of an employee depends upon various criteria. From page Nos. 25 to 27 being the copy of the ACR of the private respondent for the year 2015 and 2016, this Court found satisfactory remarks of his superior which the writ petitioner has no authority to challenge.

6. The writ petitioner has also miserably failed to make out a case as to how he has been deprived while giving promotional benefit of the private respondent. It is also settled principle of law that in absence of any perversity on the part of the respondent authorities or in absence of violation of principle of natural justice a writ court is not supposed to enter into the administrative domain of the respondent authorities.

7. This Court has every reason to believe that the instant writ petition is frivolous one and is liable to be dismissed.

8. As a result the instant writ petition fails and is hereby dismissed with the cost of Rs. 10,000/- which is to be deposited by the writ petitioner with the Member Secretary, State Legal Services Authority West Bengal within a month from today. In the event such cost is deposited the Member Secretary, SLSA West Bengal is directed to credit the same in the victim compensation fund.

9. Accordingly, the writ petition being WPA 16556 of 2018 is dismissed.

(Partha Sarathi Sen, J.)