

W.P.S.T. 14 of 2026

Sukumar Kisku

Vs.

The State of West Bengal & Ors.

Mr. M. N. Roy,
Mr. G. Haldar

...for the Petitioner

Mr. Tapan Kr. Mukherjee, Id. A.G.P.,
Ms. Sangeeta Roy

...for the State

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Heard the learned advocate for the petitioner as well as the learned A.G.P.
3. The petitioner is an applicant before the West Bengal Administrative Tribunal ('Tribunal' for short) in O.A. No. 14 of 2026. The O.A. was filed seeking a relief by issuance of direction for granting petitioner, who is an Assistant Director of Agriculture (Information) at Jhargram, the benefit of promotion to the rank of Deputy Director of Agriculture w.e.f. 22.01.2024, being the date on which the person next below him in the gradation list of 2023, was granted the same benefit. He is seeking the consequential monetary benefits and other benefits including seniority.
4. Having filed the Original Application, the present writ petition has been filed in view of the fact that the Tribunal is non-functional for want of any

member. Relying upon decision of the Apex Court in the case of ***Roger Mathew Vs. South Indian Bank Ltd. & Ors.*** reported in ***(2020) 6 SCC 1***, the writ petition has been filed since the writ petitioner claims to be remediless in the above circumstances due to non-functioning of the Tribunal.

5. It is the case of the writ petitioner that one after the other, his juniors have been and are granted promotions to his prejudice and therefore, in the above circumstances, he has approached this Court by filing the present writ petition.
6. We have thus proceeded to consider the petitioner's grievance.
7. The brief factual background based on the averments made in the O.A. and the writ petition is that in the gradation list dated 04.01.2023, the petitioner was placed at serial no.139. Others junior to him have been granted promotion. He, however, was not granted promotion as Deputy Director in view of pendency of a disciplinary proceeding founded on a charge-memo dated 03.10.2023. The charge-memo resulted in exoneration of the petitioner by an order dated 30.04.2025, issued under the signature of the Principal Secretary and disciplinary authority in the Agriculture Department to the Government of

West Bengal. The charges were dropped against the petitioner. He, therefore, submits that the proceeding founded on the charge-memo dated 03.10.2023, is no longer coming in the way of consideration of the petitioner's promotion as Deputy Director and grant of promotion along with consequential benefits w.e.f. the date, at least on which the next junior to him in the gradation list was granted the benefit of such promotion.

8. Learned advocate for the writ petitioner has drawn attention of the Court towards a decision of the Apex Court in the case of ***Union of India & Ors. Vs. K.V. Jankiraman & Ors.*** reported in **(1991) 4 SCC 109** to submit that in view of the charges being dropped, the petitioner is entitled to the benefit of promotion from the due date and also the consequential benefits, since he was wrongly deprived of performing his duties on the post of Deputy Director, for no fault of the petitioner.
9. The learned A.G.P. on behalf of the State submits that even if the case made out by the petitioner is taken to be factually correct, the fact remains that grant of promotion to the petitioner on the post of Deputy Director can only be granted after due consideration of his claim with reference to other requisite parameters; even if the proceeding is no longer standing in his way.

10. Since no affidavit in reply was filed before the Tribunal and the matter has been taken up for the first time today in the present proceeding, we are in agreement with the submission of the learned A.G.P. that the petitioner's claim is required to be considered with reference to the relevant parameters, including his eligibility for the promotion in question.
11. We, therefore, consider it futile to keep the writ petition pending, as consideration has yet to be accorded by the authorities in accordance with law.
12. We, therefore, are of the view that the writ petitioner may submit a representation stating his claim with reference to all details, consideration of which he seeks from the authorities. If such a representation is filed before the respondent no.2 within two weeks, the respondent no.2 would be obliged to consider the claim, and pass a reasoned and speaking order in this regard. If the petitioner is found eligible then the benefit of such consideration should also be extended to the petitioner.
13. This entire exercise must be completed by the respondent no.2 within eight weeks from the date of submission of representation, along with the copy of this order.

14. The Writ Petition is disposed of in these terms.
15. The parties are in agreement that now nothing survives in the Original Application.
16. The Original Application bearing No. 14 of 2026 pending before the Tribunal also stands disposed of.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)