25.11.2026
Item No.01
Court No.11
Avijit Mitra

WP.ST 197 of 2026

Abdus Samad
- Versus -
The State of West Bengal & ors.

Mr. Golam Mostafa,
Mr. Sk. Md. Ismail,
Mr. Sk. Md. Jayed
.... for the petitioner
Mr. D.N. Ray, Ld. G.P.,
Mr. Guddu Singh,
Mr. Vinayak Chaubey
....for the State

Affidavit-of-service, as filed, be kept on record.

The present writ petition has been preferred by the writ petitioner, namely, Abdus Samad (in short, Samad) challenging an order dated 25th February, 2020 passed by the learned Tribunal in a contempt application being CCP 85 of 2015 arising out of an order dated 4th September, 2014 issued in an original application (in short, OA) being OA 738 of 2013. By the said order dated 25th February, 2020 the learned Tribunal observed *inter alia* that there had been a substantive compliance of the order dated 4th September, 2014 and dropped the contempt proceedings.

Records would reveal that Samad preferred the OA challenging *inter alia* the memoranda dated 13th May, 2013 and 27th May, 2013 issued by the Deputy Secretary to the Government of West Bengal, Estate Manager, Estate Department, Housing Department and praying for issuance of necessary direction upon the respondents to

reinstate him to the post of Chief Inspector in which he was posted *vide* order dated 6th July, 2012. Samad was initially appointed to the post of Lower Division Clerk (in short, LDC) *vide* memo dated 26th May, 1997. Thereafter, by a memo dated 26th July, 2005 Samad was appointed to the post of Upper Division Assistant (in short, UDA). Subsequent thereto, by a memo dated 6th July, 2012 he was appointed as Chief Inspector with effect from 1st July, 2012. About a year thereafter, by a memo dated 13th May, 2013, the earlier memo dated 6th July, 2012 was cancelled and Samad was reverted to the post of UDA with retrospective effect from 1st July, 2012. Again, by a memo dated 27th May, 2013 Samad was placed in the post of Senior Accounts Clerk retrospectively with effect from 1st October, 2012. By the order dated 4th September, 2014, the learned Tribunal set aside only the retrospective operation of the memoranda dated 13th May, 2013 and 27th May, 2013. It was also directed that the said order shall have only prospective effect and as regards Samad's prayer for reinstatement to the post of Chief Inspector, the respondents were directed to consider the same according to the rules and regulations.

Mr. Mostafa, learned advocate appearing for the petitioner submits that had Samad been continued in the post of Chief Inspector in terms of the memo dated 6th July, 2012 then on the strength of the service rendered, he would have been promoted to the post of Assistant

Estate Manager, a gazetted post. Such argument, as advanced, was glossed over by the learned Tribunal.

He further argues that the learned Tribunal erroneously dropped the contempt proceedings without taking into account that the respondents have not complied with the direction to consider his prayer for reinstatement in the post of Chief Inspector in terms of the rules and regulations.

Mr. Singh, learned advocate appearing for the State respondents denies the contention of Mr. Mostafa and submits that the basic scale of pay and grade pay of the UDA, Chief Inspector and Senior Accounts Officer are the same and the order of the learned Tribunal was duly complied with and no retrospective effect was given to the memoranda dated 13th May, 2013 and 27th May, 2013, as directed. Subsequent thereto, considering Samad's length of service he has already been appointed to the higher post of Head Assistant *vide* memo dated 13th August, 2018. In view thereof, the learned Tribunal had rightly dropped the contempt proceedings.

We have heard the learned advocates appearing for the parties and considered the materials on record.

Indisputably, Samad had not challenged the order dated 4th September, 2014 passed by the learned Tribunal disposing of the OA. The said order was also complied with by the respondents by not giving retrospective effect to the memoranda dated 6th July, 2012 and 27th May,

2013. No explanation is also forthcoming as to why the present writ petition has been preferred challenging an order passed by the learned Tribunal in the contempt proceedings more than six years ago.

For the reasons discussed above, 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.

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Partha Pratim Roy, J.) **(Tapabrata Chakraborty, J.)**