

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhawan, 3rd Floor, Salt Lake, Kolkata-700091

ORDER

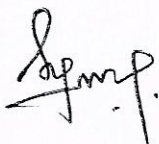
No:- 536- WBAT / 2J-15 / 2016

Date:- 26.08.2022

In superseding all previous orders and notifications, in exercise of the powers conferred by sub-section 6 of Section 5 of the Administrative Tribunals Act, 1985 and further taking into consideration of the solemn observations of the Hon'ble High Court, Calcutta in the case of Mithu Mondal and Others -versus- The State of West Bengal and Others reported in **2012 (4) Calcutta High Court Notes 320** and the Hon'ble Supreme Court of India in All India Institute of Medical Sciences -versus- Sanjeev Chaturvedi, reported in **All India Reporter 2019 Supreme Court 2971** (paragraph 72) and order of appointment of officiating Chairperson of the Tribunal dated 23.08.2022 and further considering speedy disposal of the cases with the existing infrastructure, I do hereby authorize Urmita Datta (Sen), the officiating Chairperson myself and Shri Sayeed Ahmed Baba, Hon'ble Administrative Member of the West Bengal Administrative Tribunal to function as Bench Nos. 2 and 3 respectively consisting of a Single Member and exercise the jurisdiction, power and authority of the Tribunal as per schedule of classification of cases and functioning of the Benches as published today i.e. on 26/08/2022 as per daily cause list subject to the following restrictions.

(1) That the case does not involve validity of any statutory provision or interpretation of any of the provisions of the Constitution of India.

(2) That it is open to either party to submit to the Single Member of 2nd and 3rd Bench before the matter is taken up at the first instance after appearance of both contesting parties that it may be placed before the Bench of two Members as and when the same will be available in future. If such a request is made at the outset, the Single Member shall direct that the case will be placed before the Division Bench as and when the same will be available in future irrespective of classification of cases. Once the case is taken up by the



Single Bench, no such request shall be entertained at any subsequent stage of the proceedings.

It is further ordered as follows :-

(i) The stage of first instance would also cover case which may be finally disposed of with the consent of the contesting parties at the admission, and/or, initial stage.

(ii) Notwithstanding anything contained in the previous or subsequent paragraphs, at any stage of the proceedings, if it appears to the Single Member that the case irrespective of its nature ought to be heard by a Bench of two members, he / she may refer it to the Division Bench as and when the same will be available in future without assigning any reason.

(iii) Applications including part-heard, contempt, review, recalling, modification relating to orders / judgements previously passed by the Division Bench consisting of Smt. Urmita Dutta (Sen), Hon'ble Judicial Member and any Hon'ble Administrative Member who had already demitted the office, and or, where both Members demitted the office, will be heard by the 2nd Single Bench irrespective of determination or classification of cases of the Bench published on 26th August, 2022.

(iv) Applications including part-heard, contempt, review, recalling, modification relating to orders / judgements previously passed by Justice Soumitra Pal erstwhile Hon'ble Chairman and Syeed Ahmed Baba Hon'ble Administrative Member, and the cases, which are not covered by clause (iii) above, will be heard by the 3rd Single Bench irrespective of determination or classification of cases of the Bench published on 26th August, 2022.

(v) In the event, any order or judgement passed by the 2nd Division Bench constituted and notified vide Nos. 625 - WBAT / 1E-08-2003 (Pt II) dated 09.09.2021 and 118 - WBAT / 1E-08-2003 (Pt II) dated 11.02.2022 respectively, will be taken up by the 2nd Single Bench excluding which were already assigned to the then Chairman, West Bengal Administrative Tribunal for order.

(vi) Save and except the cases as referred to clauses (iii), (iv) and (v) above, the application for contempt, review, recalling, modification / clarification of orders / judgements will be heard by the 2nd Single Bench, and or, 3rd Single Bench as the case may be who had passed the orders / Judgments.

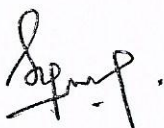


(vii) Applications including part-heard, contempt, review, recalling, modification relating to orders / judgements previously passed by Justice Soumitra Pal erstwhile Hon'ble Chairman sitting singly will be heard by the 2nd Single Bench irrespective of determination or classification of cases of the Bench published on 26th August, 2022.

(vii) Part-heard matter, CAV matter will be dealt with by the Hon'ble Members who heard the same, irrespective of whether or not the Hon'ble Members have determination at present to deal with the same. If one of the Hon'ble Members of the Division Bench who heard the matter demitted the office will be taken up by the Single Bench having jurisdiction as per determination / classification of cases as published on 26.08.2022. If both the Hon'ble Members demitted the office without disposing of part-heard matters and without delivery of judgement in CAV matters, the same will be placed before the Hon'ble officiating Chairperson for assignment.

(viii) The Miscellaneous Application for restoration of the Original Application by recalling / setting aside an order of "Dismiss for Default", or any other interlocutory applications will be heard by the Regular Bench sitting singly which has the determination to take up the Original Application.

(ix) The Registrar will continue his function in terms of Rule 28 of the West Bengal Administrative Tribunal (Procedure) Rules, 1994 and issue notice upon the respondents / opposite parties immediately after filing an application irrespective of its nature and prayer, receive Reply, Rejoinder to make the cases ready for hearing. In case, despite service of notice, no one represents the state respondents, learned counsel should be appointed to represent the state respondents from the list of panel pleaders communicated by the Legal Remembrancer, Government of West Bengal. After completion of the service of notice upon the respondents / opposite parties, the cases will be placed for "Admission Hearing" or consideration of interim relief as the case may be before the Bench having jurisdiction. Endeavour should be made to settle the dispute amicably, and or, to explore the scope alternative dispute resolution mechanism and where the parties agree to settlement, the relevant case record should be placed before the Lok Adalat. The cases which are ready for hearing will be listed before the Bench for disposal having jurisdiction.



(x) The Registrar is further directed to fix next date of the cases which are undated due to restricted functioning of the Tribunal during Covid-19 pandemic.

(xi) This order will remain in force until **further order**.

Sd./- Urmita Datta (Sen)
OFFICIATING CHAIRPERSON
West Bengal Administrative Tribunal

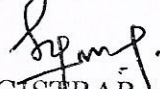
No:- 536/1(11)-WBAT/1E-08/2003(Pt.-II)

Date:- 26.08.2022

Copy forwarded for information and necessary action to :

1. P. A. to Smt. Urmita Datta (Sen), Hon'ble Officiating Chairperson, West Bengal Administrative Tribunal
2. P. A. to Sayeed Ahmed Baba, Hon'ble Administrative Member, West Bengal Administrative Tribunal
3. The Court Officer attached to 2nd Bench, West Bengal Administrative Tribunal
4. The Court Officer attached to 3rd Bench, West Bengal Administrative Tribunal.
5. Section Officer (Filing Section) / Cause List Section, West Bengal Administrative Tribunal
6. Record-in-Charge, Record Section, West Bengal Administrative Tribunal
7. President / General Secretary, Bar Association, West Bengal Administrative Tribunal
8. Notice Board (1)
9. Notice Board (2)
- ✓ 10. **Shri Asish Halder, Software Support Personnel**, West Bengal Administrative Tribunal - He is directed to upload this order in the Official Website of the Tribunal
11. Office Copy

By order


REGISTRAR

West Bengal Administrative Tribunal

West Bengal Administrative Tribunal

Bikash Bhawan, East Block, 3rd Floor, Salt Lake, Kolkata-700091

Determination and Jurisdiction of the 2nd and 3rd Single Benches in terms of section 5 (6) of the Administrative Tribunals Act, 1985.

Sl. No.	<u>Classification of Cases</u>	<u>Determination Code</u>	<u>Composition of Bench</u>	<u>Day and Timing</u>
01.	Single Bench No. 2		Smt. Urmita Datta (Sen), Hon'ble Officiating Chairperson	Monday to Friday at Court room No.1
	a) Recruitment, Appointment	1		
	b) Departmental / Disciplinary Proceedings / Dismissal / Removal from Service / Suspension / Punishment / Reinstatement	2		
	c) Promotion / Promotional Benefit / Deputation / Seniority / Gradation List / N.I.S.G. / C.A.S.	5		
	d) Absorption and Regularization	6		
	e) Pay and Allowances – Fixation, Recovery, Grant and Refusal of them and Applications arising out of cases	9		
	f) Miscellaneous Application relates to clauses (a) to (e) above including contempt and execution of the order or judgement passed by Smt. Urmita Datta (Sen) Hon'ble Judicial Member sitting singly / the 2 nd Single Bench.			
	g) Applications including part-heard, contempt, review, recalling modification relating to orders / judgements previously passed by the Division Bench consisting of Smt. Urmita Datta (Sen), Hon'ble Judicial Member and any Hon'ble Administrative Member who had already demitted the office, and or, where both Members demitted the office, and or any order or judgement passed by the 2 nd Division Bench constituted and notified vide Nos. 625- WBAT/1E-08-2003(Pt II) dated 09.09.2021 and 118-WBAT/1E- 08-2003(Pt II) dated 11.02.2022 respectively, and or, any order / judgement previously passed by Justice Soumitra Pal erstwhile Hon'ble Chairman sitting singly irrespective of determination or classification of cases.			
02.	Single Bench No. 3		Shri Sayeed Ahmed Baba, Hon'ble Administrative Member	Monday to Friday at Court room No.2
	a) Resignation, Voluntary Retirement and Reinstatement in Service	3		
	b) Residual matters not covered by this determination and Applications arising out of cases / distribution or allotment of work	4		
	c) Change and discrepancy as to Date of Birth, Age, Date of Retirement	7		
	d) Appointment on Compassionate Ground	8		
	e) Allotment, Refusal and Eviction from Govt. accommodation, Realization of Rent and other charges	10		
	f) Transfer, Posting & Release	11		
	g) Pension, Retiral Benefit, continuation of Past Services and allied matters / Death Benefit	12		

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	h) Matters relating to sponsoring names by Employment Exchange	13		
	i) Leave (grant and refusal) and Leave Salary, joining time, efficiency bar and overtime	14		
	j) Loans and Advances (Grant and Refusal) interest, L.T.C., Travelling Allowances and Reimbursement	15		
	k) Miscellaneous Application relates to clauses (a) to (j) above including contempt and execution of the order or judgement passed by Sayeed Ahmed Baba Hon'ble Administrative Member sitting singly / the 3 rd Single Bench.			
	l) Applications including part-heard, contempt, review, recalling, modification relating to orders / judgements previously passed by the Division Bench consisting of Justice Soumitra Pal erstwhile Hon'ble Chairman and Syeed Ahmed Baba Hon'ble Administrative Member.			

Note:-Functioning of the Benches may change without prior notice. Therefore, the learned advocates, litigants appearing in person are directed to follow the Cause List of the WBAT.

Date : 26.08.2022

By Order

[Handwritten Signature] 26/8/22
REGISTRAR

West Bengal Administrative Tribunal