

ORDER SHEET
WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

**The Hon'ble Justice Ranjit Kumar Bag
& The Hon'ble Dr. Subesh Kumar Das**

Case No – OA 1154 OF 2016

Malay Mukhopadhyay & Another Vs The State of West Bengal & Ors.

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
05 06.12.2018	<p>For the Applicants : Sardar Amjad Ali, Learned Senior Advocate, Mr. Prabir Chatterjee, Mr. M.A. Sardar, Mr. A. Chakraborty, Learned Advocates.</p> <p>For the Respondents : Mr. Apurba Lal Basu, Mr. Goutam Pathak Banerjee, Mr. Biswa Priyo Roy, Learned Advocates.</p> <p>For the Respondent No. 2A : Mr. Firdous Samim, Learned Advocate.</p> <p>.</p> <p>By placing on record, a copy of the letter dated December 3, 2018 addressed to the Secretary of the Hon'ble Chief Justice, High Court at Calcutta by one Siddhartha Ghosh, Learned Advocate, High Court, Calcutta, Mr. A.L. Basu, Learned Counsel representing the state respondents, submits that a letter has already been given to the Secretary of the Hon'ble Chief Justice for constitution of the Bench of His Lordship Hon'ble Chief Justice and Hon'ble Justice Shekhar B. Saraf for hearing of Review Application (RVW 159 of 2018) and CAN (CAN No. 8729 of 2018) in connection with WPST No. 45 of 2017 disposed of by the said Learned Division Bench of the Hon'ble High Court on August 31, 2018, but he is not aware of any further progress in this matter. On our specific query, Mr. Basu submits, on instruction that the matter has not been mentioned either before Hon'ble Chief Justice or before Hon'ble Justice Mr. Shekhar B. Saraf for the purpose of constitution of the Bench for hearing of Review Application and the CAN application. Mr. Ali, Learned Senior Counsel, appearing on behalf of the applicants, submits that the Review Application has not yet been admitted and prayer is made by the state respondents</p>	

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before the Hon'ble Chief Justice only for taking administrative decision by the Hon'ble Chief Justice for constitution of the Bench and as such the matter cannot be construed as sub-judice.

Since hearing of the original application pending before the Tribunal has already been concluded without exchange of reply and rejoinder between the parties, and since state respondents have not taken any serious move for hearing of Review Application and CAN application before the Hon'ble High Court for extension of time for exchange of reply and rejoinder between the parties after expiry of the stipulated period of time fixed by the Hon'ble High Court in the judgment and order dated August 31, 2018, we would like to take a judicious approach by waiting for another 2 (two) weeks in order to give opportunity to the state respondents to obtain the order from the Hon'ble High Court. If the state respondents fail to move the matter before the Hon'ble Division Bench of the High Court within the time granted by the Tribunal, we will have no other alternative than to deliver the judgment without exchange of reply and rejoinder in compliance with the direction already given by the Hon'ble High Court on August 31, 2018.

In view of our above observation, list the matter on **December 19, 2018** for apprising the Bench of the result of CAN/Review Application by the state respondents.

Let a plain copy of this order be handed over to both parties.

(S.K. DAS)
MEMBER(A)

(R. K. BAG)
MEMBER (J)

Sanjib