

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Mrs. Urmita Datta (Sen), Officiating Chairperson & Member (J)

Case No. – CCP 54 of 2022 [OA 549 of 2019]

Ananda Barman -- **VERSUS** – Sri Sajal Ghosh, Director & Ex-Officio Secretary, Deptt. of Agriculture.

+Serial No.	For the Applicant	: Ms. T. Bhattacharya,
and		Ld. Advocate.
Date of order	For the Contemnor/OP	: Mr. G.P. Banerjee,
<u>03</u>		Ld. Advocate.
26.09.2022		

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 536-WBAT/2J-15/2016 dated 26th August, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

The instant application has been filed being aggrieved with the non-compliance of the order dated 30.09.2021, whereby after hearing both the parties, the following order was passed :

“In view of the above, the Director & Ex-officio Secretary, Agriculture Department is directed to consider the case of the applicant in terms of Memo No.4011-F(P) dated 20.05.2013 & Memo No. 1107-F(P) dated 25.02.2016 and to take decision and communicate the same by way of reasoned and speaking order within a period of eight weeks from the date of receipt of the order if the applicant would be found eligible for such benefit in the aforementioned Memos and he may be paid the said amount immediately. However, we have made it clear that we have not observed anything on the merit of the case. Accordingly, OA is disposed of with no order as to costs.”

However, the counsel for the Contemnor/OP has drawn my attention to the reasoned order dated 29.03.2022, whereby the Director of Agriculture had passed the following order :

“The matter of giving relief to the petitioner as per provision of memo. no. 9008-F(P) dt. 11.09.2011 has already been referred by the Director of Agriculture & Ex-Officio Secretary to the Administrative Department, the decision making authority in this regard. The matter is under active consideration.

Hence, till disposal of the matter by the Government, the said application of the petitioner Sri Ananda Barman cannot be considered. The petitioner will be intimated after obtaining the decision accordingly.

Let the matter be disposed off at this stage and all the concerned be informed accordingly.”

The learned counsel for the applicant has submitted that though there was a direction to the Director & Ex-Officio Secretary, Department of

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Agriculture to consider the case of the applicant and to take a decision and communicate the same after considering his case as per Memos dated 20.05.2013 and 25.02.2016. However, the Director of Agriculture had simply intimated that he had referred the matter to the Administrative Department for taking decision as per Memo. dated 11.09.2011 and had opined that in view of the above, the application of the applicant cannot be considered and disposed of the matter.

Heard the counsel for the applicant and perused the reasoned order dated 29.03.2022 passed by the Director & Ex-Officio Secretary, Department of Agriculture as well as the Order of the Tribunal dated 30.09.2021. From the perusal of the order dated 29.03.2022, it is noted that though Director & Ex-Officio Secretary, Department of Agriculture directed to consider the case of the applicant and communicate his final decision within the stipulated period of time. However, instead of that, the Director of Agriculture had simply sent it to the Administrative Department for their decision and also communicated that till the disposal of the matter by the Government, the said application of the applicant cannot be considered.

Admit.

The Registry is directed to send notices to the Contemnor/OP.

The applicant is directed to file requisites before the Registry.

The matter is returnable on **10.11.2022** under the heading “**For Orders**”.

CSM/SS

URMITA DATTA (SEN)
Officiating Chairperson & Member (J)