

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. – MA 30 of 2021 (OA 132 of 2021)

Arjun Murmu & Others -- VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicants	: Mr. A. Bhattacharya, Mrs. S. Agarwal, Learned Advocates.
<u>03</u> 26.08.2021	For the Respondent	: Mr. M.N. Roy, Learned Advocate.

The matter is taken up by the Single Bench pursuant to the Notification No. 949-WBAT/2J-15/2016 dated 24th December, 2020 and 456-WBAT/2J-15/2016 dated 16th July, 2021 issued in exercise of the powers conferred under sub section (6) of Section 5 of the Administrative Tribunals Act, 1985.

Affidavit of service filed by the applicants be kept on record.

The instant application has been filed basically challenging the withdrawal of the facility granted by the Director of Agriculture and Project director of ATMA. However, the Deputy Director of Agriculture(WBP) and Project Director of ATMA Cooch Behar vide his Memo dated 26.08.2019 has withdrawn granted by the Director of Agriculture & Ex-Officio Secretary & SNO-ATMA.

However, the counsel for the respondents has raised preliminary objection on the point of jurisdiction as the applicant was appointed as Assistant Technology Manager under ATMA, Cooch Behar and the Deputy Director of Agriculture and Director of Agriculture are the ex-officio member of contractual project of ATMA, which is a Government Project, wherein the applicant was appointed in contractual post. Therefore, the applicant is not holding a civil post and this Tribunal do not have the jurisdiction to entertain this instant OA. However, the counsel for the applicant has prayed for some time to satisfy the court on the point of jurisdiction. Prayer is allowed.

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Arjun Murmu & Others

Vs.

Case No. **MA 30 of 2021 (OA 132 of 2021)**

The State of West Bengal & Ors.

List the matter under the heading "**Admission Hearing**" on **02.09.2021**.

Since for circumstances beyond control, the Registry is unable to furnish plain copies of this order to the learned advocates for the parties, the Registry is directed to upload this order on the website of the Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.

Mrs. URMITA DATTA (SEN)
MEMBER (J)

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