

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. – MA 41 OF 2021 (OA 857 of 2019)

MD MOHIUDDIN ANSARI & ANOTHER - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

01
17.03.2021

For the Applicants : Mr.S.K.Mitra
Advocate

For the State respondent : Mr.S.N.Ray
Advocate

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

This application being MA-41 of 2021, appearing under the heading “New Application”, has been filed in connection with OA-857 of 2019 appearing under the heading “Reply/ Rejoinder and Objection”, on the ground since in spite of directions contained in the order dated 12th February, 2020 directing the respondents to file reply within four weeks, which was extended by order dated 18th November, 2020 for filing the reply by 27th January, 2021, as no reply has been filed, interim order as prayed for be passed.

Mr.S.N.Ray, learned advocate appearing on behalf of the State respondents submits that since there has been reshuffle in the office of the respondents, instructions could not be given by the respondents and written instructions are still under preparation. However till date no action has been taken on the basis of the impugned order dated 26th November, 2018. After instructions are received he would draft the reply.

In view of the submission made by Mr.Ray, it is submitted by Mr.S.K.Mitra that the Original application and the Miscellaneous application may be disposed of by directing the respondents to consider the representations

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both dated 8th January, 2019 furnished by Md.Mohiuddin Ansari and Manojit De, and till reasoned order is passed and communicated, the respondents may be directed not to take action on the basis of the impugned order dated 26th November, 2018.

Heard learned advocates for the parties.

Evidently in spite of directions contained in the order dated 12th February, 2020 and 18th November, 2020, the respondents have not filed reply. I further find from the submission advanced on behalf of the respondents that no action has been taken on the basis of the impugned order dated 26th November, 2018. Therefore, as prayed for on behalf of the applicants, the original application, supplementary application, which is a part of the original application, and Miscellaneous application are disposed of by directing the Additional Chief Secretary, Government of West Bengal, Finance Department (Excise Branch), the respondent no. 3, to dispose of the representations dated 8th January, 2019 appearing at pages 87 and 88 of the application, filed by the applicants, by passing a reasoned order to be communicated to the parties by 7th June, 2021 after giving an opportunity of hearing to both the applicants and after verifying the records. Till reasoned order is passed and communicated, no action shall be taken by the respondents, including the respondent no. 3, on the basis of the impugned order no. 1665-FT dated November 26, 2018 issued by the said respondent no. 3. It is however, made clear that I have not gone into the merits of the matter and all the points are left open to be dealt with by the said respondent no.3.

(SOUMITRA PAL)
CHAIRMAN

BLR