

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. – MA 57 of 2021 (OA 430 of 2020)

AKASH BHUNIA & ORS. - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

02
13.08.2021

For the Applicants : Mr. Kamallesh Bhattacharjee,
(in MA 57 of 2021) Mr. G. Halder,
Advocates

For the Applicants in : Mr. S. Sanyal
Original Application Mr. D. Chatterjee
Advocates

For the State respondents : Mr. G.P. Banerjee
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 Section 6 (5) of the Administrative Tribunals Act, 1985.

At the very outset, relying on the judgements passed in Manoj Manu and Another versus Union of India and Others : (2013) 12 SCC 171, Dinesh Kumar Kashyap and Others versus South East Central Railway and Others : (2019) 12 SCC 798, and Kerala State Road Transport Corporation and Another versus Akhilesh V.S. and Others : (2019) 14 SCC 96, Mr. S. Sanyal, learned advocate for the applicants in the Original Application submits that in view of the judgements pronounced by the Supreme Court, the selected candidates have no right of audience and the application for addition of parties may be dismissed.

Mr. K. Bhattacharjee, learned advocate appearing on behalf of the applicants in MA 57 of 2021, relying on the judgement of the Supreme Court in Tridib Kumar Dingal versus State of West Bengal and Others (2009) 1 SCC 768 submits that the Original Application is not maintainable without adding the applicants in the Miscellaneous Application as party respondents.

Mr. G.P. Banerjee, learned advocate appearing on behalf of the State

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respondents on a query submits since the matter was not formally admitted, though directions were given to file reply and rejoinder, no reply could be filed on behalf of the Public Service Commission, West Bengal. Submission is that the Commission is ready to file reply to the Original Application as well as to the Supplementary Affidavit filed by the original Applicants by 17th August, 2021.

In view of the submissions made by the parties, the matter is admitted. Let replies to the Original Application be filed by 17th August, 2021; rejoinder, if any, by 19th August, 2021. Rejoinder to the objection filed on behalf of the original applicants by 17th August, 2021. Let MA 57 of 2021, arising out of OA 430 of 2020 and OA 430 of 2020, appear under the heading "Hearing" on 23rd August, 2021 to be conducted in open Court, that is, physically.

(SOUMITRA PAL)
CHAIRMAN