

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

The Hon'ble Sayeed Ahmed Baba, Administrative Member

Case No. – MA 71 OF 2021 (OA 356 OF 2010)

BILWAMANGAL NASKAR & OTHERS - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

03
15.02.2022

For the Applicants

: Mr.Balai Lal Sahoo
Mr.Sankha Prasad Roy
Advocates

For the State respondents

: Mr.Sourav Bhattacharjee
Advocate

This application, being MA-71 of 2021, in connection with OA-356 of 2010 has been filed praying for “*to decide the matter afresh in accordance with law in pursuance of the order dated 14th March, 2012 passed in W.P.S.T. No. 76 of 2012, by the Hon'ble High court at Calcutta and pass such other or further other order or orders as Your Lordships may deem fit and proper;*”

Mr.B.L.Sahoo, learned advocate appearing on behalf of the applicant submits that in view of the order dated 14th March, 2012 passed in W.P.S.T. No. 76 of 2012 (Samir Chakraborty and Others Vs. State of West Bengal and Others), the Original application be heard afresh.

Mr.S.Bhattacharjee, learned advocate submits that Mr.A.L.Basu, learned advocate, who had appeared for the State respondents earlier does not have the brief of the Original application. Moreover due to pandemic, he is not appearing in Court.

We find that on 14th March, 2012 while disposing of W.P.S.T. No. 76 of 2012, the High Court had passed an order, the relevant portion of which is as under:

“The Division Bench of this Court in C.O.S.T. No. 3 of 2012, C.O.S.T. No. 4 of 2012 and C.O.S.T. No. 5 of 2012 has already

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taken a view that a single member of the West Bengal State Administrative Tribunal has no jurisdiction to decide an original application. It must be decided by a bench of two members, one of whom must be a judicial member.

In these circumstances, the impugned order, which has been passed by a single member, is set aside and the matter is remanded to the Tribunal to decide it afresh in accordance with law."

In view of the order passed by the High Court, let the Original application being OA-356 of 2010 appear under the heading "For Order" on 2nd March, 2022.

The Miscellaneous application being MA-71 of 2021 is disposed of.

Let a copy of the Original application along with reply and rejoinder be served on the respondent nos. 2 (2) and 2 (3) along with a copy of this order downloaded from the website of the Tribunal by 18th February, 2022 and affidavit of service be affirmed and filed on the next date of hearing.

BLR

(SAYEED AHMED BABA)
MEMBER(A)

(SOUMITRA PAL)
CHAIRMAN