

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 80 OF 2021 (OA 11 of 2021)

PRADIP KUMAR DAS & OTHERS - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and

Date of order

02
27.09.2021

For the Applicants

: Mr.R.P.Sarkar
Mr.S.Bhattacharya
Advocates

For the State respondents

: Mr.K.K.Bandyopadhyay
Senior Advocate
Mr.G.P.Banerjee
Mr.S.Sengupta
Advocate

For the Public Service Commission
West Bengal

: Mr.S.Bhattacharjee
Advocate

Let affidavit of service filed today by Mr.R.P.Sarkar, learned advocate for the applicant be kept on record.

Though the matter has appeared under the heading “To be Mentioned” since learned advocates for the parties have entered appearance the matter is treated under the heading “Admission Hearing”.

In this application, being MA-80 of 2021, the prayer of the applicants is as under:

“12. That the instant proposed applicants pray that the instant MA petition may be allowed and they may kindly be treated as applicants in the said Original Application being OA No. 11 of 2021 (Sahim Hossain & Ors. - Vs - The State of West Bengal & Ors.), that is pending before this Hon'ble Tribunal.”

Referring to the judgement in Udit Narain Singh Malpaharia Vs. Additional Member, Board of Revenue, Bihar, AIR 1963 SC 786, it is submitted by Mr.Sarkar that keeping aside the technical formalities, the prayer of the applicant be allowed and the applicants be added as applicants in OA-11

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Mr.K.K.Bandyopadhyay, learned senior advocate appearing on behalf of the State respondents referring to Section 3(b) and Section 19 of the Administrative Tribunals Act, 1985, submits that as specific provisions have been provided regarding filing of applications, the prayer in the Miscellaneous application is not tenable in law. So far as the judgement in Udit Narain Singh Malpaharia (supra) is concerned as statutory provisions have been provided in the 1985 Act for filing of applications, no order may be passed and the application be dismissed.

Mr.S.Sanyal, learned advocate appearing on behalf of the original applicants opposes the prayer for adding the applicants in the Miscellaneous application as applicants in the original application in view of the provisions in the 1985 Act.

Mr.S.Bhattacharjee, learned advocate appearing on behalf of Public Service Commission, West Bengal submits that the instant application is not maintainable as 159 applicants in the present application have moved this application without seeking leave to move this application jointly. In this regard, he refers to Rule 4(5) (a) of the Administrative Tribunal Procedural Rules, 1994.

Heard learned advocates for the parties. Since the 1985 Act lays down specific provisions for filing of original applications and as in the application no leave has been sought for by the applicants for moving the application jointly, no order is passed on the application. The application is disposed of.

BLR

(SAYEED AHMED BABA)
MEMBER(A)

(SOUMITRA PAL)
CHAIRMAN