

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. – MA 97 of 2021 (O.A. 206 of 2014)

TATHAGATA NAG – VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr. Bharat Bhushan, Mr. Shaon Bhattacharya, Advocates
<u>4</u> 21.07.2022	For the Respondents	: Mr. Soumendra Narayan Ray, Advocate

The matter is taken up by the single Bench pursuant to the order contained in the Notification No.118-WBAT/1E-08/2003 (Pt.-II) dated 11th February, 2022 issued in exercise of the powers conferred under section 6(5) of the Administrative Tribunals Act, 1985.

The Registry has published a supplementary cause list enlisting the matter under the heading “Order”. Let a copy of the supplementary cause list be kept on record.

This is an application, being MA 97 of 2021, filed under Section 27 of the Administrative Tribunal Act, for execution of the order dated 15th September, 2014 passed in O.A. 206 of 2014 : Tathagata Nag vrs. The State of West Bengal & Ors. The prayers in the application are as under:

- a) To execute the order dated 15.09.2014 in O.A. No. 206 of 2014 (Tathagata Nag –vs- The State of West Bengal & Ors.) passed by this Hon'ble Tribunal.
- b) To pass a peremptory order against the respondents for the execution of order dated 15.09.2014 and to grant to pay salary and allowances to the applicant in the pay scale of the post of CDPO w.e.f. from the date of applicant took charge of the post of CDPO.
- c) Direction upon the respondent no.1 to fix of the

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responsibility for the defiance of the order dated 15.09.2014 passed by this Hon'ble Tribunal and to take the punitive action against such persons for the violation of judicial order.

- d) And pass such further order or orders as Your Lordship may deem fit and proper.”

At the very outset, it is submitted by Mr. Bharat Bhushan, learned advocate for the applicant that since order was passed by the Tribunal on 15th September, 2014 and this application under Section 27 of the 1985 Act for execution of that order was filed on 7th October, 2021, which is contrary to the principles of law laid down in the judgement passed by the Supreme Court in (1997) 4 SCC 284 : Hukam Raj Khinvsara vrs. Union of India & Ors., no order be passed on the application.

Heard Mr. Soumendra Narayan Ray, learned advocate for the State respondents.

SCN. Since the application under Section 27 of the 1985 Act was filed on 7th October, 2021 for executing the order dated 15th September, 2014 passed in O.A. 206 of 2014, which is barred by Section 27 of the said Act and the principles of law laid down in Hukam Raj Khinvsara (supra), no order is passed on the application and the application is dismissed.

I appreciate the manner in which Mr. Bhushan and Mr. Ray have dealt with the matter.

(SOUMITRA PAL)
CHAIRMAN