

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Mrs. Urmita Datta (Sen), Member(J).

Case No. – OA 182 of 2020

Rashbehari Pradhan -- VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicant	: Mr. P.P. Halder, Learned Advocate.
<u>05</u> 31.03.2021	For the Respondents	: None
	For the A.G., W.B.	: Mr. B. Mitra, Departmental Representative.

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.

Affidavit of service is filed by the applicant be kept on record.

The instant application has been filed by the **Ejlas Peon** of the Chief Judicial Magistrate, Paschim Medinipur asking for re-fixation of his pay. However, the departmental representative of the A.G., W.B. has raised the preliminary objection on the point of jurisdiction of this Tribunal. As per the Departmental Representative for the A.G., W.B. under 2(c) of the Administrative Tribunals Act, 1985, as the applicant is staff of Sub-ordinate court of the High Court, this Tribunal does not have the jurisdiction on this issue.

Heard the parties. Section 2(c) of the Administrative Tribunals Act, 1985 has provided inter-alia :

“2. Act not to apply to certain persons – The provisions of this Act shall not apply to:-

(a) any member of the naval, military or air forces or of any other armed forces of the Union;

(b) Omitted;

(c) any officer or servant of the Supreme Court or of any High Court ⁶[for courts subordinate thereto];”

Since the applicant is the **Ejlas Peon** of the Chief Judicial Magistrate, Paschim Medinipur, being staff of Subordinate Court of High Court, this Tribunal seems not to entertain the instant application of the applicant. Accordingly, **the OA is dismissed** for want of jurisdiction. However, the applicant would be at liberty to approach the appropriate forum, if so advice.

HS

Mrs. URMITA DATTA (SEN)
MEMBER (J)