

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. - OA 23 of 2022

SANJIB BASAK AND ORS. - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicants	: Mr. Dilip Kumar Chatterjee, Mr. Gautam Pathak Banerjee, Mr. Mrinmoy Bhattacharyya, Advocates
<u>3</u> 25.04.2022		
	For the Respondent Nos.1 to 6	: Mr. Sankha Ghosh, Advocate
	For the Respondent No.7	: Mr. Debabrata Koley, Advocate

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.

In this application, Sanjib Basak, Osman Goni, Prakash Roy, Tapan Kumar Roy, Dipika Dey Sarkar, Biswajit Roy, and Manas Rakshit, the applicants, land losers, have prayed for certain reliefs, the relevant portion of which is as under:-

“(a) an order directing the respondent authorities specifically the respondents no 1 to allow the prayer of the applicants afresh for their entitlements to get appointment under Land Looser Category in view of memo No. WBGV/M/2639 dated 21.1.2020 and also memo no.518/LA dated 16.04.2018 as well as memo no.13.2.2020 (referred in annexure A8, A9 and A10 to this application) within a specific period of time.

(b) In terms of the memo No.WBGV/M/2639 dated

ORDER SHEET

Form No.

SANJIB BASAK AND ORS.

Vs.

THE STATE OF WEST BENGAL & ORS.

Case No. **OA 23 of 2022**

21.01.2020 issued by the Secretary of Law Department the respondents particularly the respondent no.1 may be directed to provide appointment to the applicants under land looser category in commensurate to their educational qualification under the State Government.”

It is submitted by Mr. Gautam Pathak Banerjee, learned advocate for the applicant, though the applicants had earlier filed applications, being O.A. 1050 of 2017 and OA 1051 of 2017 to provide appointment / employment since their land was acquired for the development projects, including Tista Barrage Project, on and after 1977 which were dismissed on 26th June, 2019, as the issue was decided by the High Court in W.P.S.T. 151 of 2017 and Special Leave Petition before the Hon'ble Supreme Court was also dismissed, however, as subsequently the District Magistrate, Jalpaiguri, the respondent no.2.vi., by memo dated 16th April, 2018 and by memo dated 13th February, 2020 and 28th February, 2020 issued by the Superintending Engineer, Teesta Barrage Circle, I & W Directorate, have reopened the issue, appropriate order may be passed for considering the case.

It is submitted by Mr. Sankha Ghosh, learned advocate for the State respondents that the memo dated 16th April, 2018, 13th February, 2020 and 28th February, 2020 have been issued mistakenly by the said respondents without being aware of the law as the issue has been settled by the Hon'ble Supreme Court.

Having heard the learned advocates for the parties and considering the facts and circumstances of the case, the application is disposed of by directing the Secretary, now re-designated as Principal Secretary, Irrigation and Waterways

ORDER SHEET

Form No.

SANJIB BASAK AND ORS.

Vs.

THE STATE OF WEST BENGAL & ORS.

Case No. **OA 23 of 2022**

SCN.

Department, Government of West Bengal, Kolkata, the respondent no.2.i. to dispose of the matter regarding appointment of the applicants in the land loser category by passing reasoned order to be communicated to the parties within fifteen weeks from the date of presentation of a copy of this order downloaded from the website of the Tribunal, after giving an opportunity of hearing to the applicant no.1 or any one of the applicants being duly authorised by the applicant no. 1, and after verifying the records and after considering the law laid down by the High Court in W.P.S.T. 151 of 2017 and after considering the orders passed by the Hon'ble Supreme Court in the Special Leave Petition. I make it clear that I have not gone into the merits of the matter and all points are left open to be dealt with by the respondent no.2.i.

(SOUMITRA PAL)
CHAIRMAN