

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. –OA 234 of 2018

Shyamal Chakraborty & Others - **VERSUS** - The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicants	: Mr. M.N. Roy, Mr. B. Nandy, Advocates.
<u>08</u> 21.09.2022	For the Respondent Nos. 1&2	: Mr. G.P. Banerjee, Advocate.
	For the Respondent No. 3	: Mr. S.N. Ray, Advocate.
	For the Respondent Nos. 4 & 5	: Mrs. S. Agarwal, Advocate.
	For Pr. A.G.(A&E), W.B.	: Mr. B. Mitra, Advocate.

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 536-WBAT/2J-15/2016 dated 26th August, 2022 issued in exercise of the powers conferred under Section 5 (6) of the Administrative Tribunals Act, 1985.

Today, the matter has come on mentioning for the purpose of hearing of the case. On 05.04.2022, on the prayer of the applicants, as they are the senior citizens, the matter was fixed on 30.06.2022 under the heading “Specially Fixed Matter.” However, Mr. S.N. Ray, learned counsel for the Finance Department, has again asked for some time to file the affidavit to bring on record letter dated 24.12.2018. This Tribunal vide order dated 15.07.2022 had allowed the prayer of the Finance Department to bring on record the said order dated 24.12.2018 and Mr. G.P. Banerjee, learned counsel for the respondent Nos. 1 and 2 also has prayed for some time to take instruction from his department and to file reply. Subsequently on 29.08.2022, the matter was heard. However, no affidavit was filed on that date and the matter was directed to be listed on 18.11.2022. Even thereafter, no such affidavit has been filed though on 15.07.2022, the

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Finance Department was directed to file one affidavit enclosing documents as referred by the learned counsel for the Finance Department on that date. The learned counsel for the Finance Department today has also prayed for some time. The learned counsel for the respondent Nos. 1 and 2 today has objected for the hearing on the ground that unless and until the Finance Department would bring on record the said letter dated 24.12.2018, he could not take any instruction from his department. Therefore, the Finance Department is directed to file the affidavit by Monday i.e. 26.09.2022. However, the counsel for the Finance Department has submitted that it will not be possible for them to file the affidavit by Monday also.

In view of the above, let the matter be listed on **18.11.2022** under the heading **“Specially Fixed Matter.”**

If no affidavit would come on 18.11.2022, the appropriate order will be passed on the basis of the documents available on record.

HS/ss

Mrs. URMITA DATTA (SEN)
Officiating Chairperson & Member (J)