

ORDER SHEET

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

**Case No. - OA 234 of 2020**

**Arun Kr. Dev VERSUS – The State of West Bengal & Ors.**

Serial No. and Date of order	For the Applicant	: Mrs. P. Saha, Learned Advocate.
<u>03</u> 15.01.2021	For the State Respondent	: Mr. G.P. Banerjee, Learned Advocate.
	For the A.G., W.B.	: Mr. B. Mitra, Depttl. Representative.

The matter is taken up by the Single Bench pursuant to the Notification No. 949-WBAT/2J-15/2016 dated 24<sup>th</sup> December, 2020, issued in exercise of the powers conferred under sub section (6) of Section 5 of the Administrative Tribunals Act, 1985.

Supplementary Affidavit filed today be kept on record. The counsel for the respondent has raised preliminary objection with regard to the availment of alternative remedy by preferring an appeal against the impugned order dated 26.03.2018 before the Appellate Authority.

The counsel for the applicant however, has submitted that first of all the impugned order is a defective one as no date of effect of the said order as mentioned which will be evident from the A.Gs letter however since he was due to retire w.e.f. 22.06.2020. Therefore, he has preferred an original application before this Tribunal in OA 891 of 2018 which was disposed of vide order dated 28.03.2019 with a liberty to file a fresh application. However, during the course of the hearing the counsel for the applicant has prayed for leave to withdraw the application to prefer an appeal before the Appellate Authority. The counsel for the respondent has no objection. Accordingly OA is **dismissed as withdrawn**.

Mrs. URMITA DATTA (SEN)  
MEMBER (J)

Csm