

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

THE HON'BLE SAYEED AHMED BABA, OFFICIATING CHAIRPERSON AND ADMINISTRATIVE MEMBER

Case No. – OA - 337 of 2024

Asim Das & Anr. - Vs - The State of West Bengal & Ors.

Serial No. and

Date of order

For the Applicant : Mr. A. Lahiri,
Mr. S.K. Mondal,
Learned Advocates.

02
11.11.2024.

For the State Respondents : Mr. M.N. Roy,
Learned Advocate.

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638-WBAT/2J-15/2016 (Pt.- II) dated 23rd November, 2022 issued in exercise of the powers conferred under Section 5 (6) of the Administrative Tribunals Act, 1985.

In this application the applicants have prayed for a direction to the respondent authorities to recast the provisionally selected list of candidates recommended for the post of Excise Constables. Mr. Lahiri accompanied by Mr. S.K. Mondal counsels representing the applicants suggests that this matter is similar to another matter – Akash Bhunia & Ors Vs. State of West Bengal & Ors. in which the Tribunal's final directions were modified by Hon'ble High Court by a judgement in WPST 09 of 2020 dated 23.09.2023. Submission is that if the modified judgement passed by the Hon'ble High Court is followed in this case, the applicants will also get an opportunity to be recommended for the post of Excise Constables.

Appearing on behalf of the state respondents, Mr. Roy, however, disagrees and submits that in this case the respondent authorities have followed the directions of the Hon'ble High Court in the matter relating to Akash Bhunia & Ors Vs. State of West Bengal & Ors. Since this matter relates to appointment and similar matters like Akash Bhunia & Ors. was all along heard by a Bench comprising two Members (Judicial & Administrative), the learned counsels representing

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both the sides are of the opinion that this matter also be placed before and heard by a Bench comprising two Members (Judicial & Administrative).

In view of their submissions, let this matter be placed before a Bench comprising two Members (Judicial & Administrative) under the heading Hearing. The matter is admitted. Reply/Rejoinder, if any, in the meantime.

Mr. Lahiri has prayed for interim direction to the respondent authorities to keep the unfilled posts vacant till outcome of this matter. Such prayer has been vehemently opposed by Mr. Roy. In the opinion of this Tribunal since this matter is to be heard by a Bench comprising two Members (Judicial & Administrative), therefore, such interim prayers be placed before such a Bench.

Let the matter appear under the heading **Hearing on 16.04.2025.**

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON AND MEMBER (A)

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