

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present : **HON'BLE JUSTICE SOUMITRA PAL,** **HON'BLE CHAIRMAN.**

Case No. – OA 426 of 2022.

SUDIP MITRA & 06 OTHERS –VS-THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicants	: Mr. M.N. Roy, Mr. G. Halder, Advocates.
<u>4</u> 12.7.2022	For the State Respondents	: Mr. G.P. Banerjee, Advocate.

The matter is taken up by the single Bench pursuant to the order contained in the Notification No. 118-WBAT/1E-08/2003 (Pt.-II) dated 11th February, 2022 issued in exercise of the powers conferred under section 6 (5) of the Administrative Tribunals Act, 1985.

Mr. M.N. Roy, learned advocate for the applicants submits that the transfer order dated 22nd June, 2022 may be stayed as the Director, State Council of Educational Research and Training , Government of West Bengal, - the respondent no. 3, does not have the jurisdiction to issue the same.

Mr. G.P. Banerjee, learned advocate appearing on behalf of the State respondents referring to the order dated 22nd March, 2021 passed in OA 224 of 2021 (Janajit Chakraborty – vs- The State of W.B. and others) submits since the power of the State respondents to issue such order has been upheld by the said order and the High Court by order dated 21st June, 2021 passed in W.P.S.T. No. 40 of 2021(Janajit Chakraborty – versus- The State of West Bengal & Ors) did not interfere with the order passed, no interim order may be passed. Submission is that the matter is barred by the principles of resjudicata, which is disputed on behalf of the applicant. Mr. Roy submits that the matter may be admitted and be heard on merits.

The matter is admitted. Let reply be filed by 12th September, 2022.

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-Vs-

THE STATE OF WEST BENGAL & ORS.

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Rejoinder, if any, by 16th September, 2022. Matter to appear under the heading
“Reply/rejoinder and Objection” on 21st September, 2022.

In view of the order dated 22nd March, 2021 passed in OA 224 of
2021 by the Tribunal and the order dated 21st June, 2021 passed in WPST No.
40 of 2021 by the High Court interim order is refused.

(SOUMITRA PAL)
CHAIRMAN.

Skg.