

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 678 OF 2022

DEBASISH SARKAR - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	Mr. Tanmoy Chattopadhyay, Advocate
<u>5</u> 08.02.2023	For the Respondent Nos.1 and 2	: Mrs. Ruma Sarkar, Mr. Saurav Deb Ray, Departmental Representatives
	For the Respondent Nos. 3 and 4	: Mr. Gautam Pathak Banerjee, 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.

On consent of the learned counsels for the parties, the case is taken up for consideration sitting singly.

As per direction of the Tribunal on the last date, Mr. Tanmoy Chattopadhyay, learned counsel for the applicant submits copy of relevant Apex Court judgements and a copy is served on the respondents also.

Mr. Chattopadhyay submits a copy of memo No.3741-F dated 18th July, 1964, which was earlier quoted by the respondent. Reference in particular is made to paragraph (e) which implies that the District Magistrate, being the appointing authority, was not the competent authority to pass such an impugned order, the competent authority would be the next higher authority to the District Magistrate.

Mr. Gautam Pathak Banerjee, learned counsel appearing for the respondent Nos. 3 and 4 assures to submit replies of the respondents by the next month.

Let the matter appear under the heading “Orders” on 21.03.2023 for submission of the replies and rejoinder, if so desired, by the next date.

SCN.

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