

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

**Present-**

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

**Case No. –OA 683 of 2022**

**Sri Satyajit Chowdhury. - Versus - The State of West Bengal & Others.**

Serial No. and Date of order	For the Applicant	: Mr. T. Chattopadhyay, Advocate.
<u>02</u> 18.11.2022.	For the State Respondents	: Mr. S. Ghosh, Advocate.
	For the Advocate General, West Bengal.	: Mr. G. P. Banerjee, 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 26<sup>th</sup> August, 2022 issued in exercise of the powers conferred under Section 5 (6) of the Administrative Tribunals Act, 1985.

The instant application has been filed challenging the order dated 14.10.2022 (Annexure-‘E’) passed in compliance to the order dated 27.09.2022 in OA-627 of 2022, whereby the following order was passed :

*“In view of the above, the Principal Secretary, the Department of Agriculture is directed to consider the representation dated 28.07.2022 and 19.08.2022 treating this OA as part of it and communicate his decision by reasoned and speaking order within a period of eight weeks from the date of receipt of the order. In the interim, the respondents are directed not to proceed with the Notification dated 28.07.2022 and 19.08.2022.”*

However, on 07.11.2022, the counsel for the respondents has submitted that since there are some inadvertent mistake in the reasoned order dated 14.10.2022, therefore, the authority wants to withdraw the

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said order with a liberty to issue a fresh reasoned and speaking order as per the order dated 27.09.2022. However, the said prayer is allowed.

Further, the counsel for the applicant had also prayed for extension of interim order granted on 27.09.2022 till disposal of the representation by a fresh order that prayer also allowed on 07.11.2022.

Today, the counsel for the respondents has placed one memo. no. 132-AG/O/1M-62/2022 dated 14.11.2022, whereby the Principal Secretary, Department of Agriculture, Law and Vigilance Branch, Government of West Bengal had withdrawn the reasoned order dated 14.10.2022. Let a copy of the said order be kept on record.

However, the counsel for the applicant has submitted no such order has been communicated. However, if the respondent has already withdrawn the impugned order dated 14.10.2022 but no such fresh order has been communicated to him till date. Therefore, he has prayed for extension of order dated 07.11.2022.

Heard the parties and perused the records. It is noted the applicant had come earlier challenging the notification dated 15.07.2022 in OA-627 of 2022, which was disposed of vide order dated 27.09.2022 (Annexure-‘B’) with following direction:

*“In view of the above, the Principal Secretary, the Department of Agriculture is directed to consider the representation dated 28.07.2022 and 19.08.2022 treating this OA as part of it and communicate his decision by reasoned and speaking order within a period of eight weeks from the date of receipt of the order. In the interim, the respondents are directed not to*

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*proceed with the Notification dated 28.07.2022  
and 19.08.2022.”*

The counsel for the respondents has submitted that till date they have not passed any fresh reasoned order. Subsequently, the respondents has withdrawn the impugned order dated 14.10.2022 vide memo dated 14.11.2022. But admittedly, till date, no reasoned order has been passed.

In view of the above, as per order dated 07.11.2022, the interim order granted vide order dated 27.09.2022 has been extended by allowing the prayer of the applicant till the passing of the fresh reasoned and speaking order.

Let the matter be listed on 09.12.2022 under the heading “Admission Hearing”.

URMITA DATTA (SEN)  
Officiating Chairperson and Member (J)

S.M.