

**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 696 OF 2017**

**BINAYAK DUTTA & OTHERS - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. and Date of order	For the Applicants	: Mr. Animesh Mukherjee Advocate
<u>20</u> 17.01.2023	For the respondent Nos. 2 and 4	: Ms. Ruma Sarkar Mr. Sourav Deb Ray (Departmental Representatives)
	For the Finance Department	: Mr. Goutam Pathak Banerjee Advocate
	For the Principal Accountant General (A&E) West Bengal	: Mr. Biswanath Mitra (Departmental Representative)

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 23<sup>rd</sup> 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 contesting parties, the case is taken up for consideration sitting singly.

The Learned counsel for the applicant refers to the order passed by the Hon'ble High Court in WPST-6 of 2020 in which the Tribunal's order was set aside with a direction to hear the matter afresh. Submission of the learned counsel for the applicant is for hearing this matter afresh as per the direction of the Hon'ble High Court.

Mr. G.P.Banerjee on behalf of the Finance Department submits that this matter should be heard by a Bench comprising two Members (one Judicial Member and one Administrative Member) as this matter was earlier heard and dismissed by a Bench comprising two Members. Moreover, this matter also involves various points of law. This point of view is also supported by the State

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respondents and the departmental representatives.

Although the Hon'ble High Court has directed the Tribunal to hear the matter afresh, but as it appears, this matter was earlier heard and dismissed by a Bench comprising two Members of the Tribunal (Judicial and Administrative).

Accordingly, I am of the view that this matter should be heard by such a Bench.

Let the matter appear before a Bench comprising two Members (Judicial and Administrative) under the heading 'Hearing' on 12<sup>th</sup> June, 2023.

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

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