

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Bikash Bhavan, Salt Lake, Kolkata – 700 091.**

**Present-**

**The Hon'ble Mrs. Urmita Datta (Sen), Member(J) &  
Hob'ble Sayeed Ahmed Baba, Member (A\_)**

**Case No. – OA-792 of 2021**

**Tanmoy Choudhury **VERSUS** – The State of West Bengal & Ors.**

Serial No. and Date of order	For the Applicant	:	Mr. M.N. Roy, Mr. G. Halder, Learned Advocates.
<u>02</u> 21.12.2021	For the State Respondent	:	Mr. G.P. Banerjee, Learned Advocate.

Affidavit of service has been filed. Let it be kept with the record.

The instant application has been filed basically challenging the impugned order dated 23.06.2021. The counsel for the applicant has submitted that the impugned order was passed in violation of our earlier order dated 21.04.2021 as well as without serving the enquiry report. Therefore, he has approached this Tribunal directly without availing the alternative remedy.

However, the counsel for the respondent has raised preliminary objection on the ground of non availing the alternative remedy by filing the appeal before the appellate authority.

The counsel for the applicant has submitted since some law point involved in the instant application, therefore, he has filed the instant application directly before this Tribunal. However, he has prayed for leave to file appeal before the authority within four weeks time which may be disposed of within a stipulated period of time.

The counsel for the respondent has no objection to dispose of such appeal if it would be filed within four weeks time.

Accordingly, the OA is disposed of with a liberty to the applicant to file appeal before the appellate authority within four weeks time. In the event the appellate authority may dispose of the appeal by way of reasoned and speaking order and communicate the same preferably within a period of six weeks from the date of receipt of the appeal of the applicant.

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Since the circumstances beyond control, the Registry is unable to furnish plain copies of this order to the learned advocates for the parties, the Registry is directed to upload this order on the website of the Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.

SAYEED AHMED BABA  
MEMBER (A)

URMITA DATTA (SEN)  
MEMBER (J)

sc

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