

**ORDER SHEET**  
**West Bengal Administrative Tribunal**

Present.-

The Hon'ble Justice Ranjit Kumar Bag

&

The Hon'ble Dr. Subesh Kumar Das

**Case No. MA 173 of 2016 (OA 612 of 2014 & OA 663 of 2014)**

Samsur Rahaman & Ors. & Nikhil

Krishna Dutta & Ors.

Versus

The State of West Bengal & Ors.

Serial No. and date of order	Order of the Tribunal with signature	Office action with date and dated signature of parties when necessary.
1	2	3
<p style="text-align: center;">08 10/07/2019</p>	<p><b>For the Applicants</b> : Mr. D.N. Ray, Mr. S. Ghosh, Mr. S. Halder, Mr. B. Nandy, Ld. Advocates.</p> <p><b>For the State Respondent</b> : Mr. A.L. Basu, Mrs. S. Agarwal, Ld. Advocates.</p> <p><b>For the LR Department</b> : Mr. S. Bhattacharya, Depttl. Representative.</p> <p>One Samsur Rahaman and 113 others filed original application no. 612 of 2014 praying for setting aside the order dated March 14, 2014 by which the applicants were sought to reverted to the lower post. One Nikhil Krishna Dutta and 11 others filed original application no. 663 of 2014 praying for the same relief by quashing of the order dated March 14, 2014 by which the applicants were sought to be reverted to the lower post. Samsur Rahaman and 113 others filed miscellaneous application no. 173 of 2016 praying for the stay of operation of the order dated September 14, 2016 issued by the Additional Secretary to the Government of West Bengal, Department of Land and Land Reforms, Government of West Bengal by which report of compliance were sought for by the District Magistrate and Collector, Birbhum.</p>	

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	<p>Mr. D.N. Ray, Learned Counsel appearing for the applicants contends that one Swarnamoyee Dutta and others approached the Tribunal for getting the benefit of Supernumerary post but failed to obtain favourable order from the Tribunal. The order of the Tribunal was challenged before the Hon'ble High Court by filing W.P.S.T. No. 190 of 2014. Since the applicant Nikhil Krishna Dutta and others were impleaded as party in the original application filed by Swarnamoyee Dutta before the Tribunal, they approached the Hon'ble High Court for being impleaded as party in W.P.S.T. No. 190 of 2014 by filing CAN No. 7729 of 2014. Mr. Ray submits that the issues involved in the present applications will be decided by the Hon'ble High Court in W.P.S.T. No. 190 of 2014 and as such the Tribunal should wait for hearing of the original applications till the hearing and disposal of W.P.S.T. No. 190 of 2014. He further submits that the interim stay is also granted by Hon'ble High Court in this regard.</p> <p>We have heard Mr. A.L. Basu, Learned Counsel representing the state respondents.</p> <p>It appears from the materials on record that on August 27, 2014, the Division Bench of the Hon'ble High Court granted interim stay of operation of the</p>	

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Csm	<p>order of the Tribunal passed in OA No. 336 of 2012 till the hearing of CAN No. 7729 of 2014. It also appears from the record that on December 07, 2015 CAN No. 7729 of 2014 was allowed and thereby disposed of. In our view, there is no specific stay order granted by the Hon'ble High Court in connection with the hearing of the present 2 (two) original applications. However, since the issues to be decided by the Hon'ble High Court in W.P.S.T. No. 190 of 2014 may have some bearing on the issues to be decided in both the original applications, we would like to grant accommodation to the applicants for taking necessary steps either by expediting the hearing of W.P.S.T. No. 190 of 2014 before the Hon'ble High Court or to obtain specific stay order from the Hon'ble High Court regarding hearing of the original applications.</p> <p>Under the above circumstances, list the matters under the heading '<b>Hearing</b>' on <b>November 14, 2019</b>.</p> <p>Let a <b>Plain Copy</b> of the order be supplied to both parties.</p> <p><b>S. K. DAS</b> <b>MEMBER(A)</b></p> <p><b>R. K. BAG</b> <b>MEMBER(J)</b></p>	