

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

**The Hon'ble Justice Ranjit Kumar Bag
& The Hon'ble Dr. Subesh Kumar Das**

Case No – MA-150 of 2018, MA-193 of 2019 arising out of OA-1050 of 2016

Madhusudan Hazra & Others v/s The State of West Bengal & Ors.

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
5 05.11.2019	<p>For the Applicants : Mr. B.R. Neogi Mr. A.K. Niyogi, Learned Advocates.</p> <p>For the State Respondents : Mr. G.P. Banerjee, Learned Advocate.</p> <p>For the Added Respondents : Mr. D.N. Ray, Mr. B. Nandy, Mr. S. Halder, Learned Advocates.</p> <p>The applicants have challenged the seniority of the directly recruited officers of West Bengal Forest Service of the year 2011 and 2012 in the original application which is pending for hearing before this Tribunal. By filing MA-150 of 2018, the applicants have prayed for an interim order restraining the respondents from filling up the posts of Divisional Forest Officers by directly recruited officers of West Bengal Forest Service without considering the case of eligible promotee officers of West Bengal Forest Service. Similarly, by filing MA-193 of 2019, the applicants have prayed for restraining the respondents from filling up the posts of Divisional Forest Officers by directly recruited officers of West Bengal Forest Service of the year 2011 and 2012 till final adjudication of original application being OA-1050 of 2016.</p> <p>We have heard Learned Counsel for the applicants and Learned Counsel for the State respondents. Learned Counsel representing the private respondents has placed on record a copy of order dated</p>	

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	<p>June 10, 2019 passed by the Division Bench of the Hon'ble High Court in WPST No. 45 of 2019 (Kamal Sarkar and Others v. Samir Majumdar and Others) wherein the Hon'ble High Court has observed that order of the Tribunal dated February 15, 2019 passed in OA-1052 of 2016, and subsequent steps taken by the State respondents in connection with the said order will abide by the decision of the Writ Petition. Learned Counsel submits that the present original application involves the same dispute which will be decided in WPST No. 45 of 2019 and as such the hearing of the present OA may be stayed till the hearing of WPST 45 of 2019.</p>	
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	<p>Since the dispute between the promotee officers and directly recruited officers of West Bengal Forest Service will be decided in WPST 45 of 2019 which is pending for decision of the Hon'ble High Court, we are not inclined to take up the original application being OA-1050 of 2016 for hearing till final decision of WPST 45 of 2019. However, we are inclined to dispose of two miscellaneous applications wherein the applicants have prayed for interim order restraining the State respondents from filling up the posts of Divisional Forest Officers.</p>	
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	<p>Having heard Learned Counsel representing the respective parties, we are of the view that if the State respondents fill up the posts of Divisional Forest Officers by taking into consideration the directly recruited officers of 2011 and 2012 batch, the same will be subject to the final decision of OA-1050 of 2016.</p>	
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Rajib	<p>With the above observation, both MA-150 of 2018 and MA-193 of 2019 stand disposed of.</p> <p>Liberty is given to the applicants to mention OA-1050 of 2016 for hearing after disposal of WPST 45 of 2019 by the Division Bench of the Hon'ble High Court.</p> <p>S. K. DAS MEMBER(A)</p> <p>R. K. BAG MEMBER(J)</p>	
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