

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

The Hon'ble Mrs. Urmita Datta (Sen), Member (J) &
The Hon'ble Dr. Subesh Kumar Das, Member (A).

OA-223 of 2020

Swapam Kr. Dey Vs 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
<p style="text-align: center;">02 28.08.2020</p> <p>Page /1</p>	<p>For the petitioner : The applicant appears in Person.</p> <p>For the respondent : None.</p> <p>For the private respondent : Mr. M.N. Roy, Mr. A. Mitra, Learned Advocates.</p> <p style="text-align: center;">Affidavit of service has been filed. Let it be kept with the record. Vakalatnama has been filed by private respondents. Be kept with the record.</p> <p style="text-align: center;">The instant application has been filed with a peculiar background, wherein the applicant has challenged the appointment of Respondent No. 2, Sri Debranjana Paul, who was appointed as police constable in the year 1987. However, the instant application has been filed in the year 2019, challenging the said appointment as illegal by the applicant. On query, the applicant has further submitted that though he is not directly aggrieved by any action of the State authority or the private respondent concerned, however, since he knows him personally and, therefore, being an honest</p>	

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<p style="text-align: center;">02</p> <hr/> <p>28.08.2020</p> <p>Page /2</p>	<p>person fighting for justice to the society, has approached this Tribunal.</p> <p>The counsel for the private respondent, however, has raised objection to the maintainability of the instant application by referring the case of Duryadhon Sahoo Vs. D. Mitra & Ors. reported in 1998 (7) SCC 273 and has submitted that admittedly the applicant is not aggrieved by any action of the private respondents or the State authority. Further the applicant was appointed in the year 1987 and he approached this Tribunal in the year 2019. Therefore, his application at least may be called as Public Interest Litigation. Therefore, as per Administrative Tribunal Act, 1985, the applicant cannot be called as personally aggrieved to approach this Tribunal. Thus, he has prayed for dismissal of the application for want of jurisdiction and cause of action.</p> <p>During the course of hearing, the applicant in person has submitted that he wants to withdraw the instant application with a liberty to approach before the</p>	

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<p style="text-align: center;">02 ----- 28.08.2020</p> <p style="text-align: center;">SC</p>	<p>appropriate forum.</p> <p style="text-align: center;">In view of the above, the application is dismissed as withdrawn with a liberty to the applicant to approach before the appropriate forum, if so advised.</p> <p style="text-align: center;">SUBESH KUMAR DAS MEMBER (A)</p> <p style="text-align: center;">URMITA DATTA (SEN) MEMBER (J)</p>	

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