

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

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

Case No. **OA-1154 of 2016**

*Malay Mukhopadhyay*

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.

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06  
19/12/2018

**For the Applicant** : *Sardar Amjad Ali,  
Ld. Senior Advocate.  
Masum Ali Sardar,  
Mr. P. Chatterjee,  
Ld. Advocates.*

**For the State Respondent :** *Mr. A.L. Basu,  
Mr. G.P. Banerjee,  
Mr. B.P. Roy  
Ld. Advocates.*

**For the Added Rspndt.** : *Firdous Samim,  
Ld. Advocate.*

*This date is fixed for apprising the Bench of the result of CAN/Review Application filed by the State Respondents before the Hon'ble High Court, Calcutta. By placing on record a copy of order dated December 10, 2018 passed in connection with R.V.W. No. 159 of 2018 with CAN 8729 of 2018 (Confederation of State Government Employees, West Bengal & Ors. V. The State of West Bengal & Ors.), Mr. G.P. Banerjee, Learned Counsel representing the State Respondents submits that the Division Bench of the Hon'ble High Court directed the State Respondents to remove the defects in the application as pointed out by the Additional Stamp Reporter in his report dated December 05, 2018 within December 14, 2018 and liberty was given to the parties to mention the matter for inclusion in the list after removal of*

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	<p><i>the defects. He further submits that the defects have been removed and the matter was mentioned before the Hon'ble Chief Justice of the High Court on December 14, 2018 and His Lordship has expressed the views that the appropriate Bench will be constituted for hearing the matter.</i></p> <p><i>Mr. Ali, Learned Senior Counsel representing the applicants has seriously disputed the submission made on behalf of the state respondents. According to Mr. Ali, the applicants are totally in the dark whether the defects in the application have been removed by the state respondents within the stipulated period of time and whether the matter was mentioned before the Hon'ble Chief Justice on December 14, 2018.</i></p> <p><i>Having heard Learned Counsel representing both parties, we find that the Division Bench of the Hon'ble High Court has come to know about both the Review Application and CAN filed by the State Respondents, though in defective form. Since the state respondents have already approached the Division Bench of the Hon'ble High Court praying for extension of time for submitting reply before the Tribunal after expiry of stipulated period of time fixed by the Hon'ble High Court and since the Review Application and CAN are still pending for hearing before the Hon'ble High Court,</i></p>	

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Csm	<p><i>judicial propriety demands that we should not deliver Judgment in the instant case, inspite of conclusion of hearing by both parties.</i></p> <p><i>In view of our above observation, list the matter on <b>January 24, 2019</b> for apprising the Bench of the result of CAN/ Review Application filed by the state respondents.</i></p> <p><b>S. K. DAS</b> <b>MEMBER(A)</b></p> <p><b>R. K. BAG</b> <b>MEMBER(J)</b></p>	

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