

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

The Hon'ble Mrs. Urmita Datta (Sen), Member (J)

The Hon'ble Mr. P. Ramesh Kumar, Member (A)

Case No – OA-1499 of 2009.Dr. Sachindra Nath Biswas. Vs The State of West Bengal & Others.

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;">35</p> <p>-----</p> <p style="text-align: center;">28-02-2019</p>	<p>For the Applicants : Mr. M. Karim, Mr. N. K. Palodhi, Advocates.</p> <p>For the State Respondents : Mr. S. Ghosh, Advocate.</p> <p>The instant application has been remand back by the Hon'ble High Court by the order dated 24-11-2014, whereby Hon'ble High Court observed the following :-</p> <p>“It is evident from the Tribunal order that the Tribunal did not examine the question and give its opinion thereon. It may not be out of context to mention that the procedure rules under which the Tribunal was to decide the OA did not provide for any supplementary affidavit by any party to the case with the leave of the Tribunal. Hence the question of permissibility of the procedure was an issue. We are, however, of the view that the petitioners should be ordered to pay the respondent costs.</p> <p>For this reasons, we set aside the Tribunal order, allow the WPST and direct the Tribunal to decide</p>	

ORDER SHEET

Dr.Sachindra Nath Biswas

Form No.

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Mihir	<p>the OA afresh giving the petitioners reasonable opportunity to deal with the supplementary affidavit filed by the respondent. The petitioners are ordered to pay the respondent Rs. 5,000 costs, within a fortnight from the date this order is sent to the server.”</p> <p>In view of the above, since the earlier writ petition has been filed on the ground that the Tribunal has no power to entertain the supplementary affidavit for absence of any procedural Rule. Therefore it has been enquired to the respondent whether they have any objection to file any reply to that. However the Counsel for the respondent has submitted that he has no objection on this issue. Therefore let the matter be listed for final hearing on 12-04-2019.</p> <p>P. RAMESH KUMAR MEMBER(A)</p> <p>URMITA DATTA (SEN) MEMBER(J)</p>	