

**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 – TA-01 of 2018.Ram Chandra Dutta & 39 Ors. 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>02</p> <hr/> <p>20/07/2018</p>	<p>For the Applicant : Mrs. Sonali Mitra, Advocate.</p> <p>For the State Respondents: Mr. Sankha Ghosh, Advocate.</p> <p><i>During the course of hearing the counsel for the applicant has referred the judgement passed by the Division Bench of Hon'ble High Court in WPST 231 of 2009 with WPST 234 of 2009 whereby the Hon'ble Division Bench had sent the said matter to the Single Bench. However, the Single Bench of the Hon'ble High Court vide their order dated 23.02.11 was of the opinion that being service matter, the Single Bench of the Hon'ble High Court does not have the jurisdiction. Hence, OA has been listed before us as TA 01 of 2018.</i></p> <p><i>However, counsel for the respondents has vehemently objected for entertaining the instant TA on the ground that the applicants had earlier approached this Tribunal in OA 295 of 2005 which was dismissed by this Tribunal by elaborate judgement on the point of jurisdiction as according to the Tribunal the authority under which the applicants were working is State Blood Transfusion</i></p>	

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GM	<p><i>Council, which has not been notified under the jurisdiction of the West Bengal Administrative Tribunal. Moreover, the applicants without challenging the said order had approached, the Division Bench of the Hon'ble High Court in a writ jurisdiction. Therefore, the present TA is barred of estoppels as well as res judicata. Heard the parties.</i></p> <p><b>Order reserved. Both the parties are at liberty to file their written arguments within seven days.</b></p> <p style="text-align: center;"><b>P. RAMESH KUMAR</b> <b>MEMBER(A)</b></p> <p style="text-align: center;"><b>URMITA DATTA (SEN)</b> <b>MEMBER(J)</b></p>	