

**MAT 516 of 2021
with
CAN 1 of 2021
(Via Video Conference)**

**West Bengal Court's Employees' Association & Anr.
vs.
West Bengal Judges' Personal Assistants' & Ors.**

Jayanta Samanta
...for the Appellants

Mr. Sukanta Chakraborty
Mr. Anindya Halder
....for the Respondent Nos. 5 &6

Mr. Ayan Banerjee
Mr. Suman Banerjee
.....for the Respondent Nos. 1 & 2

Mr. S. Bandopadhyay
Mr. A. K. Nag
....for the Respondent Nos. 3 & 4

Mr. Samanta, learned Counsel, appears in support of the appeal.

The Respondent Nos. 5 and 6 are represented by Mr. Chakraborty, learned Counsel. Mr. Banerjee, learned Counsel, represents the writ petitioner/the other respondents to the appeal.

Learned Counsel for the appellants draws the attention of this Court to the order of the Hon'ble Single Bench dated 19th March, 2021 in the writ petition. It is submitted that the service benefits of the appellants have been irreversibly prejudiced by the order of 19th March,

2021 whereby the Hon'ble Single Bench stayed the Memo No. 586 dated 27th November, 2020 issued by the learned District Judge, Murshidabad for a period of four months from date or, until further orders whichever is earlier.

Mr. Samanta further submits that arguably, if at all, the order dated 19th March, 2021 is allowed to remain operational, the same should be restricted to the petitioners by name alone.

Both Mr. Banerjee and Mr. Chakraborty, learned Counsel for the Respondents, point out that the stay of the Memo dated 27th November, 2020 as granted by Hon'ble Single Bench is essentially *ad interim* in nature since the application for complete interim directions, being CAN 4 of 2021 as filed before the Hon'ble Single Bench, was kept pending to be decided on affidavits. It is also submitted by the Respondents that even before the application for interim reliefs being CAN 4 of 2021 could be decided on affidavits as directed by the Hon'ble Single Bench and, also even before the expiry of the period granted for the *ad interim* order to be operational, the appellants have rushed before this Court to seek identical interim reliefs.

Having heard the parties and considering the materials placed, this Court, at this stage, does not

intend to supplant the exercise of jurisdiction by the Hon'ble Single Bench at the interim stage.

This Court is of the view that the stand taken by learned Counsel for the respondents is *ex facie* correct in as much as, judicial orders on regulation of service conditions have the effect of being *in rem* and therefore cannot be strictly confined to the petitioners alone, as in the facts of the present case.

In the above view of the matter, the parties are directed to expedite the filing of their respective affidavits to CAN 4 of 2021 as directed by the Hon'ble Single Bench on the 19th of March, 2021 within a further period of two weeks and one week respectively.

Extension of time to file the affidavits as above be treated as peremptory.

Parties are at liberty to take steps before the Hon'ble Single Bench.

In view of the directions above, the appropriate Hon'ble Single Bench is requested to expedite the hearing of CAN 4 of 2021, albeit subject to its convenience.

Accordingly, affidavits are not invited to CAN 1 of 2021. The other allegations therefore made in CAN 1 of 2021 are deemed to be denied and disputed.

All points are kept open to be decided on merits by the Hon'ble Single Bench.

In view of the above order, the appeal, which is directed against the order dated 19th March, 2021, need not be further detained.

Both **MAT 516 of 2021** and **CAN 1 of 2021** stand accordingly **disposed of**.

All parties to act on a server copy of this order downloaded from the official website of this Court.

(Kaushik Chanda, J.)

(Subrata Talukdar, J.)