

FMA 430 of 2022
with
IA No. CAN 1 of 2022

Anjan Majumdar
Vs.
State of West Bengal & Ors.

Mr. Sukanta Das
.....for the Appellant
Mr. Sudipto Panda
Mr. Sajal Pandit
.....for the State

Party/Parties is/are represented in the order of
their name/names as printed above in the cause-title.

Mr. Das, learned Advocate, appears for the
Appellant.

The State-respondents are represented by Mr.
Panda, learned Counsel with Mr. Pandit, learned
Advocate.

The attention of this Court is drawn to its
previous order dated 7th November, 2022. By the said
order, this Court recorded the point on lack of
jurisdiction of the Writ Court to consider the grievance
of the Writ Petitioner/the Appellant.

It is submitted by learned State Counsel that
the Writ Petitioner/the Appellant is seeking
enforcement of service under the State-respondents
which directly pertains to the jurisdiction of the State
Administrative Tribunal.

From the materials on record, the challenge with regard to the jurisdiction of the Writ Court raised by learned State Counsel is found to be meritorious. The Writ Petitioner/ the Appellant was admittedly employed under the office of the District Magistrate, Paschim Medinipur and, challenge to the denial of benefits arising out of such employment would fall within the jurisdiction of the West Bengal Administrative Tribunal.

Therefore, this Court holds that the order of the Hon'ble Single Bench impugned in this appeal dated 17th December, 2021 is not sustainable having regard to the principles enunciated in *In Re: L. Chandra Kumar versus Union of India and Ors. (1997) Vol. 2 SCR 1186*).

The order impugned stands accordingly set aside.

Parties are permitted to agitate their grievance afresh before the learned Tribunal.

FMA 430 of 2022 and its connected application being **CAN 1 of 2022** stand accordingly **dismissed**.

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

Urgent Photostat certified copies of this order, if applied for, be made available to the parties upon compliance of the requisite formalities.

(Supratim Bhattacharya, J.)

(Subrata Talukdar, J)