

WP.ST 13 of 2022

Kamrul Karim

-vs-

State of West Bengal & Ors.

Mr. Jayanta Narayan Chatterjee
Mr. Debashis Banerjee
Mr. Supreem Naskar
... for the petitioner

Mr. Raja Saha
Mr. Biswabara Basu Mallick
Mr. Sayan Ganguly
... for the State

The instant writ petition is filed challenging the order dated 27/01/2019 passed by the Director of Health Services, Government of West Bengal rejecting the claim of the petitioner for pension as he did not serve his qualifying service under the D.C.R.B. Rules, 1971.

The learned advocate for the petitioner moved the said application taking plea of several judicial pronouncements in this regard but after perusing the papers annexed to the instant writ petition, it appears that the same is the subject matter of challenge in the Tribunal application. The order sheet annexed to the writ petition does not reveal that the Tribunal application has been finally disposed of. Rather, it appears that the same was fixed for hearing on 18/01/2022 but nothing transpired from the subsequent order that the hearing took place. The next date is fixed on 19/04/2022. The writ petitioner

cannot jump the forum and approach the Court for a decision which is yet to be taken by the Tribunal in pending proceedings.

The learned advocate for the petitioner realizing so, firmly submits that he seeks for an early disposal of the Tribunal application and does not intend to press the reliefs claimed in the instant writ petition.

In view of the above, since the matter has already been fixed on 19/04/2022 for hearing, we expect that the Bench before whom the Tribunal application is pending, shall take up the matter on the date so fixed and effort shall be shown to dispose of the same within three weeks therefrom. If necessary, consecutive days would be fixed.

We are assured by the appearing counsels that they would not seek unnecessary adjournments except as necessitated by unforeseen or unavoidable circumstances and shall cooperate and assist the Bench in adhering the time limit, indicated hereinabove.

WP.ST 13 of 2022 is disposed of, accordingly.

(Harish Tandon, J.)

(Rabindranath Samanta, J.)