

35 **28.09.
2022**
Ct. No. 04

Ab

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side.

WP.CT 100 of 2022

Jugal Krishna Paul
Vs.
Union of India and others.

Mr. Aniruddha Datta.
... for the petitioner.

Mr. Narendra Prasad Gupta,
Mr. S. N. Dutta.
... for the Union of India.

Mr. K. K. Maiti.
... for the respondent no. 2 to 5.

At the very outset we must record that the instant writ petition has been filed challenging the order of adjournments granted by the Tribunal and the submission is made that the interim order ought to have been passed in favour of the writ petitioner and, therefore, this Court can entertain such prayer and pass an order.

We are afraid that such course of action should not be encouraged. We are still in dark whether any such prayer has been made before the Tribunal nor we have been apprised of the fact as to whether any order is passed thereupon. Simply on the basis of the submission made at the Bar, the Court should not pass an order nor should permit the litigant to jump the forum.

In course of hearing it appears that on the larger issue involved in the tribunal application there was a difference of opinion amongst the Members of the Bench. The matter thereafter has been relegated to a

third Member of the Central Administrative Tribunal at Odisha. It further transpires that the said Member took up the matter on one day that too in the month of June 2022 and thereafter no date has been fixed for hearing of the said tribunal application.

Certainly it is a matter of great concern that the purpose for establishment and constitution of the Tribunal under the provisions of the Constitution of India is to secure the speedy and timely disposal of the specified cases assigned to the said Tribunal. In the event the matter is fixed after such a long interval of time, it would not only be opposed to the legislative mandate but would frustrate the purpose and the object underlying the incorporation and/or establishment of such institution.

The matter was relegated to a third Member on difference of opinion between the two Members of the Bench and, therefore, it is expected that the third Member would show alacrity and decide the matter by giving priority thereto.

The grievance should not remain in suspended animation for all time to come but should be decided to bring a certainty in the mind of the litigant about his position in respect of the said litigation.

Without making any further observations, we simply request the third Member to fix a date for hearing of the said matter, which should not exceed beyond fifteen days from the date of communication of this order.

The date shall be fixed in presence of the respective parties or Counsels and any prayer is made for an interim relief by filing a substantive application, the same should be disposed of on priority basis and should not be permitted to be lingered on for all time to come.

With these observations, the writ petition is disposed of.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to parties before the Puja Vacation.

(Harish Tandon, J.)

(Prasenjit Biswas, J.)