

50 22.12.22

Ct. No. 04

Akd

WP.ST. 114 of 2022

Tuhin Dey & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Dyutiman Banerjee.

... for the petitioners.

Mr. Madan Murari Varma,

Mr. Rajesh Kumar Shah.

... for the Union of India.

Ms. Piyali Sengupta.

... for the P.S.C.

The instant writ petition is taken out for a direction upon the Tribunal to dispose of the pending proceeding within the time frame.

Our attention is drawn to an order dated 31st August, 2022 passed by the Single Member of the West Bengal Administrative Tribunal adjourning the matter sine die until the availability of the Division Bench. Obviously the matter was being pursued before the Division Bench, but because of the unavailability of one of the Member by virtue of a special order certain matters were directed to be taken by the Single Bench of the Tribunal, the matter could not be proceeded with.

It appears that the State took a preliminary objection that the nature of the dispute requires adjudication by a Division Bench and the moment the same is perceived by the Single Member the matter is adjourned.

The manner in which the prayer is couched in the instant writ petition, if allowed would virtually set aside the order dated 31st August, 2022 and conferment of jurisdiction on the Single Member of the Tribunal despite an objection being raised by the State. In such situation it would not be safe to pass an order though appears to be innocuous at the initial

stage, as it has got a cascading effect.

We thus find that the instant writ petition does not deserve to be entertained. Accordingly, the same is dismissed.

However, liberty is granted to the parties to mention the matter before the Tribunal as and when the Division Bench is constituted and we hope and trust that the Division Bench would consider such prayer leniently.

(Harish Tandon, J.)

(Prasenjit Biswas, J.)