

13.03.2023

WPST 9 of 2023

Court : 04
Item : 82
Matter : WPST
Status : DO
Bench id : 266048
Transcriber : NANDY

Kakali Banerjee

Vs.

The State of West Bengal & Ors.

Mr. Swapan Kumar Majumdar, Advocate

Mr. Saptarshi Majumdar, Advocate

.....for the Petitioner

Ms. Debdooti Dutta, Advocate

.....for the State

The instant writ-petition is filed against an order dated December 12, 2022 passed by the single Administrative Member of the West Bengal Administrative Tribunal fixing a date for hearing of the said matter. A perusal of the order would reveal that the said order was passed on consent of the Counsel appearing for the respective parties.

Our attention is further drawn that the erstwhile Chairperson have conferred power upon the Single Member by issuing a general or specific order in relation to such classes of cases in exercise of power conferred under Section 5(6) of the Administrative Tribunal Act, 1984. The moment the parties have consented that the matter may be taken up by the Single Bench, it is not open to either of the parties to challenge the said order before the higher forum solely on the ground that there is a wrong recording on the consent.

The moment the parties felt aggrieved by the recording of the event happened before the Tribunal or a Member of the Tribunal, the proper course is to approach the said Member of the Tribunal promptly and invite the attention that there is a wrong recording of the event in the said order.

Be that as it may, it is a matter of great concern that the three Bench of the West Bengal Administrative

Tribunal is presently working with one Administrative Member and no attempt has been shown to appoint the Members as well as the Chairperson.

We have taken note of the aforesaid facts in another matter being WPST 77 of 2022 (Jahangir Ali Vs. The State of West Bengal & Ors.) and directed the State to take appropriate steps in this regard.

Since the date of hearing has been fixed on 28.06.2023, we do not feel that any interference is warranted at this stage.

However, the petitioner is at liberty to approach the Tribunal raising the grievance that consent was not granted and if such approach is made, the Tribunal would decide the same without any delay by recording proper reasons.

With these observations, **WPST 9 of 2023** is **disposed of**. No order as to costs.

(Harish Tandon, J.)

(Prasenjit Biswas, J.)

