

AD-02
Ct No.09
06.06.2023
TN

WPA No. 2693 of 2020

Avijit Dey and another
Vs.
The State of West Bengal and others

Mr. Swapan Kr. Nandi,
Mr. D. Ghosh

....for the petitioners

Learned counsel for the petitioners, in his usual fairness, submits that although the writ petition has been filed before this court, it has already been observed in a similar matter by a coordinate Bench that the matter is required to be heard by the tribunal. Hence, the petitioners seek to withdraw the matter and file afresh before the tribunal. A printout of the server copy of an order dated January 02, 2023 passed by a coordinate Bench in WPA 21953 of 2018 is also handed over in support of such contention.

In view of such prayer, WPA No. 2693 of 2020 is dismissed as infructuous; however, with liberty to the petitioners to approach the concerned tribunal within three weeks from date with a similar challenge as that taken out in the present writ petition. If so approached within three weeks, the tribunal shall consider the period of pendency of the writ petition for

the purpose of being lenient on condonation of the delay in filing the same before the tribunal, if any.

There will be no order as to costs.

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

(Sabyasachi Bhattacharyya, J.)