

WP.ST 50 of 2015

Dr. Tarak Prasad Chatterjee alias Chattapadhyay
Vs.
The State of West Bengal & Ors.

Mr. Mrinal Kanti Ghosh
Mr. Santimoy Bhattacharya
... for the petitioner

Mr. Pankaj Halder
Mr. Nilay Baron Mondal
... for the State

The writ petition is directed against an order dated June 27, 2014 passed in O.A. 1386 of 2012.

By the impugned order, the learned Tribunal directed the authorities to consider and dispose of a representation made by the petitioner for promotion.

Learned advocate appearing for the writ petitioner submits that, the issue with regard to the promotion was settled by an order passed by the learned Tribunal in earlier round of litigation being T.A. No. 40 of 1999 dated February 13, 2001. He submits that, complaining of violation of such order, a contempt petition was filed, in which an order dated September 10, 2007 was passed. Subsequent thereto, a memorandum dated June 9, 2011 was issued granting

promotion to only one person. The petitioner is entitled to the same treatment as the person granted the benefit in the memorandum dated June 9, 2011. Since the petitioner was not granted such benefit, the petitioner approached the Tribunal by way of O.A. 1386 of 2012, which was disposed of by the impugned order dated June 27, 2014.

Learned advocate appearing for the State draws the attention of the Court to the prayers made in O.A. 1386 of 2012. He submits that, the memorandum dated June 9, 2011 granting benefit to one person was not challenged. He points out that, the learned Tribunal directed consideration of a representation and that the learned Tribunal did not err in doing so.

Apparently, initially a writ petition was filed in this Hon'ble Court with regard to promotion. The same was transferred to the West Bengal Administrative Tribunal and numbered as T.A. 40 of 1999. Such original application was disposed of by an order dated February 13, 2001. Complaining of violation of such order, a contempt petition was filed being CCP 19 of 2002, which was disposed of by an order dated September 10, 2007. A memorandum dated June 9, 2011 was passed in terms of the contempt proceedings granting

benefits to one of the doctors concerned. No benefit was granted to the petitioner. The contempt proceedings was disposed of.

Petitioner did not challenge the disposal of the contempt proceedings despite of the petitioner not being granted benefit, although according to the petitioner, he was entitled by the original order dated February 13, 2001 of the learned Tribunal passed in T.A. 40 of 1999 to the benefits thereunder.

Thereafter the petitioner filed O.A. 1386 of 2012 seeking reliefs, which was disposed of by the impugned order.

Since the tribunal allowed the writ petitioners an opportunity to make a representation and the authorities to consider and decide such representation, we are of the view that we need not interfere with the impugned order, in the facts and circumstances of the present case. We extend the time to the writ petitioner to make the representation, if he chooses, a period of four weeks from date. The authorities will consider and decide the same within six weeks thereafter after affording a reasonable opportunity of hearing to the writ petitioner.

WP.ST 50 of 2015 is disposed of without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)