

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Debangsu Basak

And

The Hon'ble Justice Md. Shabbar Rashidi

W.P.S.T.67 of 2023

Sadhan Chandra Das

VS.

The State of West Bengal & ors.

For the Petitioner : Mr. Pankaj Halder

For the State : Mr. Raja Saha,
Mr. Biswabrata Basu Mallick,
Mr. Sayan Ganguly

Hearing concluded on : 05.06.2023

Judgement on : 05.06.2023

DEBANGSU BASAK, J.:-

1. The writ petition is directed against an order dated March 31, 2023 passed by the West Bengal Administrative Tribunal.
2. By the impugned order, the learned Tribunal was pleased to refuse prayer for ad interim order allowing the writ

petitioner to join the post in question. The refusal was justified on two grounds. The first ground was the status as to whether the original application was admissible by the Tribunal or not. The second ground noticed was the question of the passing an interim order on the State Government.

3. Apparently, the issue as to whether, the writ petitioner is a State Government employee holding a civil post for Panchayat Raj employee or not is yet to be decided. Learned Tribunal is yet to decide on its jurisdiction.

4. Reference to order passed by the Writ Court was made at the time of hearing of the present petition. The Writ Court, however, left the point raised to be decided. The status of the writ petitioner before us as to whether the writ petitioner is a State Government employee holding civic post or Panchayat Raj employee or not is yet to be decided finally.

5. We are informed that original application is fixed for hearing on July 31, 2023.

6. In such circumstances, we find no reason to interfere with the impugned order.

7. The impugned order contains reasons for refusal to grant for interim order as prayed for on behalf of the writ petitioner.

The reasons appear to be adequate and sufficient.

8. We, however, request the learned Tribunal not to grant unnecessary adjournment to any of the parties.

9. W.P.S.T.67 of 2023 is disposed of accordingly.

10. It is clarified that we did not pronounce on the merits and demerits of the rival contentions. All issues raised are kept open. The observations made herein are limited to the consideration of the challenge made to the impugned order.

11. Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis on compliance of all formalities.

(Debangsu Basak, J.)

12. I agree.

(Md. Shabbar Rashidi, J.)