

80
M/L

08.05.23

Ct. No. 04

Akd

WP.ST. 68 of 2023

Pradip Kumar Saha

Vs.

The State of West Bengal & Ors.

Mr. Asim Hati,

Ms. Sreetama Neogi,

Ms. Nandini Sharma.

... for the petitioner.

Mr. Biswabrata Basu Mallick,

Mr. Sayan Ganguly.

... for the State.

The instant writ petition is directed against the order dated 6th April, 2023 passed in OA 486 of 2022 by the West Bengal Administrative Tribunal; whereby and whereunder the matter has been directed to be listed before the Division Bench on the submissions advanced by both the Counsels appearing for the respective parties.

The tenet of the order would reveal that the Single Administrative Member is inclined to proceed with the hearing of the matter in order to secure disposal thereof, but in the midst of hearing both the Counsels submitted that the matter involves various points of law and it would be proper to be heard by a Division Bench.

The moment the order is passed by consent upon recording the submissions made by the respective Counsels, we do not find any infirmity or illegality in the said order. The order passed on consent of parties or their respective Counsels shall not be permitted to be challenged before the higher forum. In the event, either of the parties are of the view that such submission has not been correctly recorded, it is open to them to approach before the same Judge inviting the attention in this regard.

In view of the above, the writ petition is dismissed.

There will be no order as to costs.

(Harish Tandon, J.)

(Prasenjit Biswas, J.)