

*Dd*    06    06.10.2023

**WP.ST 154 of 2013**  
*with*  
*I.A NO: CAN 2 of 2023*

**Anath Bandhu Ghosh & Anr.**  
**Vs.**  
**Dipankar Mukherjee & Ors.**

*Mr. Milan Nandi,*  
*Mr. Mayukh Nandi, Advocates*  
*... ... For the Petitioners*

*Mr. Tapan Kumar Mukherjee, AGP*  
*Mr. Somnath Naskar, Advocates*  
*... ... For the State*

In re : I.A NO: CAN 2 of 2023

CAN 2 of 2023 is an application for restoration. Considering the pleadings in the application for restoration and for the ends of justice, we recall the order of dismissal of the writ petition dated July 25, 2023 and restore the writ petition to its original file and number.

CAN 2 of 2023 is **allowed**.

In Re: WP.ST 154 of 2013

The writ petition is directed against an order dated February 22, 2013 passed in a contempt proceeding being CCP 02 of 2010 by the West Bengal Administrative Tribunal.

By the impugned order, the Tribunal directed the alleged contemnor to give promotional benefits to both the writ petitioners from the date not later than

November 1, 2006 within a period of four months without fail and also to disburse all consequential benefits within further two months. The Tribunal proceeded to grant liberty to the writ petitioners to approach the Tribunal, if the order was not complied with within the due date.

Learned advocate for the writ petitioners submits that the authorities did not grant the benefits as directed by the impugned order.

State is represented.

The petitioners approached the Tribunal by way of OA 1879 of 2000 which was disposed of by an order dated June 30, 2009. By such order, the Tribunal set aside the entire gradation list and directed preparation of the same afresh. Claiming that the order dated June 30, 2009 was not being implemented by the authorities, contempt petition being CCP 2 of 2010 was filed by the writ petitioners which resulted in the impugned order dated February 22, 2013.

As noted above, the Tribunal, directed grant of benefit to the writ petitioners within the time period stipulated by the impugned order dated February 22, 2013. The Tribunal also granted liberty to the writ petitioners to approach the Tribunal, if its order was not complied with within the due date.

The writ petitioners chose not to approach the Tribunal although claiming that the order dated February 22, 2013 was not complied with in its entirety.

In view of the liberty granted by the Tribunal as recorded in the impugned order, we fail to appreciate why the writ petitioners are unwilling to exhaust the remedies made available to them by the Tribunal itself.

In such circumstances, we are not minded to interfere with the impugned order. The petitioners are at liberty to approach the Tribunal in terms of the order impugned for redressal of their grievances, if there are any.

WP.ST 154 of 2013 is **disposed of** without any order as to costs.

**(Debangsu Basak, J.)**

**(Md. Shabbar Rashidi, J.)**