

WPST 107 of 2021

**Dr. Bazlul Islam
Vs.
The State of West Bengal & Ors.**

Mr. Firdous Samim,
Ms. Gopa Biswas,
Ms. Mousumi Hazra,
Ms. Payel Shome,
Ms. Sampriti Saha, Advocates
... .. For the Petitioner

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

The writ petition is directed against an order dated December 19, 2018 passed in OA no. 528 of 2017.

The primary grievance of the writ petitioner is non-receipt of remuneration due to him.

In light of such contention and knowing that, certain factual aspect was required to be looked into and decided, the learned tribunal permitted the writ petitioner to make a representation as to his entitlement. Upon such representation being made, the authorities were directed to dispose of such representation by passing a reasoned order after affording the writ petitioner an opportunity of hearing.

Aggrieved by such an order of the tribunal, the writ petitioner is before us.

The coordinate Bench undertook exercise to reconcile the disputed facts. The coordinate Bench required the respondent authorities to submit a report by an order dated December 17, 2021. Report as called

for was submitted. The report was not acceptable to the writ petitioner. According to the writ petitioner, he was discharging his duties on the date he was shown to be absent.

Such contention of the writ petitioner required detailed examination on fact. Consequently, the co-ordinate Bench directed filing of affidavits by the order dated December 23, 2021.

Despite such direction, the respondent did not file any affidavit.

Today, the report submitted pursuant to order dated December 17, 2021 is not accepted by the writ petitioner. Issues on facts arise. One of the issues is as to the period of time when, the writ petitioner discharged his duties.

Such an issue of fact is required to be decided on the basis of records available with the authorities. Such issue of fact is best decided by the authority as directed by the tribunal.

In such circumstances, we find no material irregularity in the impugned order of the tribunal when the tribunal permitted the writ petitioner to make a representation which would be decided within a specified time by passing a reasoned order.

It is open to the writ petitioner to avail of such facility as directed by the impugned order of the tribunal. In the event, the writ petitioner makes a representation in terms of the impugned order within 7 days from date, the authorities will consider the same within the time frame as stipulated by the impugned order.

WPST 107 of 2021 is **disposed of** accordingly.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)