

Dd 11 30.08.2023

WP.ST 127 of 2022

***The State of West Bengal & Ors.
Vs.
Sri Maniklal Mondal***

*Mr. Tapan Kumar Mukherjee, AGP
... .. For the Petitioners/State*

*Mr. Satyendra Agarwal,
Mr. Tarak Nath Sarkar,
Mr. Bijoy Bag,
Mr. Goutam Malik, Advocates
... .. For the Respondent*

The writ petition is directed against an order dated March 3, 2022 passed by a single member of the West Bengal Administrative Tribunal in OA 113 of 2020.

Learned senior advocate for the writ petitioners/State submits that, in view of the **(2012) 4 CHN 320 [Mithu Mondal & Ors. vs. State of West Bengal & Ors.]** and in view of the **All India Reporter 2019 SC 2971 [All India Institute of Medical Sciences vs. Sanjeev Chaturvedi]** and in absence of a requisite notification issued under Section 5(6) of the West Bengal Administrative Tribunal Act, 1985, the single member was without jurisdiction in disposing the original application as sought to be done by the impugned order. He submits that a notification under Section 5(6) of the Act of 1985 was issued only on August 26, 2022.

Affidavits filed in Court be taken on record.

Learned advocate appearing for the respondent submits that, in the event the Court is pleased to

remand the matter for fresh adjudication, then a time limit should be fixed within which the original application may be disposed of.

The impugned order dated March 3, 2022 does not withstand the test laid down in **Mithu Mondal** (supra). Requisite notification under Section 5(6) of the Act of 1985 was absent on the date of the impugned order.

In such circumstances, it would be appropriate to set aside the impugned order and remand OA 113 of 2020 for fresh consideration by the West Bengal Administrative Tribunal, in accordance with law.

The Tribunal is requested to hear and dispose of the original application as expeditiously as possible and preferably within six months from the date of communication of this order.

WP.ST 127 of 2022 is **disposed of** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)