

25th November, 2024
(D/L No.14)
Ct. No.4
(SKB)

W.P.C.T.35 of 2024

Indrani Bandyopadhyay
Versus
Union of India and others

Mr. S. K. Datta,
Mr. Barun Chatterjee
....for the petitioner.

Mr. Partha Ghosh,
Mr. Madhu Jana
... for the U.O.I.

1. At the very outset, learned counsel representing the Union of India submits that the submissions advanced in the last order of this court dated 12.11.2024 are submissions of the learned counsel for the petitioner. It appears that due to inadvertence his name has been recorded. We find such error in the order to be *prima facie* obvious and such submission is not disputed by the learned counsel for the petitioner also.
2. We, therefore, direct that the name of Mr. S. K. Datta be read in place of Mr. Partha Ghosh in the order dated 12.11.2024. To that extent, the order stands modified.
3. The facts which are not in dispute are that the order of the Central Administrative Tribunal dated 9th January, 2024 impugned in the present proceedings is pursuant to a decision taken by

one Administrative Member of the Tribunal, sitting singly.

4. The learned counsel for the petitioner has relied upon two decisions of the co-ordinate Bench passed in WPCT 151 of 2011 in the case of Smt. Jayati Chakraborty Vs. Union of India and others as well as a recent decision of another Division Bench dated 11.11.2024 in the case of Union of India and others Vs. Shri Bachan Pandey in the proceedings arising out of W.P.C.T.221 of 2024.
5. Relying upon these decisions, it is submitted that in view of the decision of the Division Bench in these two decisions, the instant case also be remanded to the Tribunal for reconsideration by another Bench consisting of two members. Since the two decisions of the co-ordinate Bench, have been relied upon in support of the proposition and in the facts of the present case also, the Administrative Member sitting singly has passed the impugned order relating to the merits of the matter, we set aside the order of the Tribunal dated 9th January, 2024 passed in O.A. No.350/00900/2018 and M.A. No.350/00706/2019 and request the Tribunal to have the matter considered and disposed of by a Division Bench

where the learned Member who passed the order impugned is not a party.

6. The parties before this court submit that they would appear before the Tribunal on or before 2nd December, 2024. So as to facilitate such consideration, the Tribunal is requested to consider the matter expeditiously without giving any unnecessary adjournments or undue delay. The prayer for interim order shall also be considered when the parties appear before the Tribunal.
7. W.P.C.T. 35 of 2024 is, thus, disposed of.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)