

07
16.08.2024
Ct. No. 11
Jayanta

CO.CT 03 of 2024

Anindita Mukherjee
vs
Union of India & Ors.

Mr. Kushal Paul
Mr. Saptarshi Dutt
Mr. Kajal Mukherjee

....For the Petitioner.

Mr. Rabindranath Bag

..... For the Respondents.

The present writ petition has been instituted seeking a direction to the learned Tribunal to expedite disposal of the writ petition of the original application (in short, OA), being OA 573 of 2017.

Mr. Paul, learned advocate, representing the petitioner submits that the original application was preferred in 2017. Despite the lapse of almost seven years, the matter had not been heard by the learned Tribunal, and the issue involved in the OA still remains unresolved. He submits, upon instruction that the next date of hearing of the OA has been fixed on 9th September, 2024. He urges that a direction be given upon the learned Tribunal to dispose of the original application on the returnable date itself.

Referring to paragraph six of the supplementary affidavit, which provides details of the carriage of proceedings in tabular form, Mr. Paul submits that from 2020 to 2024, i.e., over the last four years, no effective hearing of the original application

has taken place. The matter has merely been adjourned on all occasions.

Mr. Bag, learned advocate representing for the respondent does not oppose such prayer.

Heard the learned advocates appearing for the respective parties and perused the materials on record.

We have been informed that the parties have already exchanged their pleadings and the matter is ready for hearing.

The record shows that a coordinate Bench of this Court, on November 1, 2019, while disposing of a writ petition, being CO.CT 1 of 2019 arising out of the same OA, passed the following order:

'We express hope and trust that the relevant Bench of the Tribunal will make earnest efforts to dispose of the original application as early as possible, subject to its convenience.'

Admittedly, Tribunals constituted under Article 323A of the Constitution of India have become an integral part of our judiciary. Consequently, the principles of judicial discipline, comity, and propriety also apply to these Tribunals. Public faith is the cornerstone of our judiciary, and it is deeply ingrained in people's expectations that the directions or even the desires of a Superior Court will be honored by subordinate courts or Tribunals. This trust cannot be afforded to be eroded. When a Superior Court uses the term 'may' in its direction, it is understood that such a direction should be interpreted as mandatory for subordinate courts or forums. Similarly, when a higher court or forum expresses hope and trust that certain

actions will be taken, a subordinate court or forum must not interpret such an expression in a way that renders the order ineffective.

A judicial or quasi-judicial institution, despite its limitations and shortcomings, is duty bound to make sincere efforts to provide a speedy, fair and objective justice.

In view of the above, it is ordered that the learned Tribunal shall dispose of the original application on the returnable date i.e., 19th September, 2024 or as expeditiously as possible thereafter within a period of two months. This time shall be considered preemptory.

With these observations and order, the present writ petition is, thus, disposed of.

There shall, however, be no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Partha Sarathi Chatterjee,J.) (Tapabrata Chakraborty,J.)