

27.06.2024
Item No.06
Court No.11
Avijit Mitra

WPLRT 52 of 2024

In re: An application under Article 226 of the Constitution of India;

And

Prafulla Kumar Ghosh
- versus -
State of West Bengal & ors.

Mr. Kamalesh Bhattacharya, Sr. Adv.,
Md. Yusuf Ali
... for the petitioner
Sk. Md. Galib,
Mr. Supratim Dhar
...for the State respondents

The present writ petition has been preferred primarily praying for expeditious disposal of the transfer application (hereinafter referred to as TA), being TA 4834 of 2005 along with the connected applications filed by the petitioner.

Mr. Bhattacharya, learned senior advocate appearing for the petitioner submits that the TA is pending before the learned Tribunal for decades and as a consequence thereof, the petitioner had been the worst sufferer. The matter appeared before learned Tribunal on 12th October, 2023 and a date had been fixed about nine months thereafter on 10th July, 2024. In view thereof, there is no possibility towards early disposal of the TA.

Drawing our attention to prayer (a) of the present writ petition, Mr. Galib, learned advocate appearing for

the State submits that the application referred to in the said prayer was not even mentioned and tagged with the records on 12th October, 2023 and as such the learned Tribunal was not in a position to consider the said application.

Mr. Bhattacharya in reply submits that MA 227 of 2024 has already been mentioned before the learned Tribunal for enlistment and disposal.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

A perusal of the order dated 12th October, 2023 reveals that the learned Tribunal had directed the parties to exchange their affidavits and observed that *‘after the exchange of affidavit is complete, the matter may be suitably placed under a proper heading to address the issue, involved in this case’*.

In the said conspectus, we do not find any justification or acceptable reason for issuance of any direction for preponement and disposal of the TA and accordingly, the petitioner’s prayer is refused.

However, it is expected that the learned Tribunal would decide the main matter along with the connected application, as expeditiously as possible without granting any unnecessary adjournment to either of the parties.

With the above observations and directions, the writ petition is disposed of.

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

Urgent photostat certified copy of this order, if applied for, be given to the learned advocates for the parties.

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