

WP.CT 138 of 2024

**Kaushik Mukherjee
Vs
The Union of India&Ors.**

Mr. Kallol Basu
Mr. Suman Banerjee
.....For the Petitioner.

Mr. Chandreyi Alam
Ms. Runu Mukherjee
.....For the Respondents.

The present writ petition has been preferred challenging an order dated 6th March, 2024 passed by the learned Tribunal in the original application (in short, OA) being OA 634 of 2022. By the impugned order the learned Tribunal refused the petitioner's prayer for engagement of a legal practitioner as his Defence Assistant since the Presenting Officer was a qualified legal expert.

Mr. Basu, learned advocate appearing for the petitioner submits that the impugned order has been passed by the learned Tribunal being oblivious of the departmental circular dated 23rd July, 1984 which entitles the petitioner to engage a legal practitioner as his Defence Assistant in the circumstances indicated therein.

In course of hearing, Ms. Alam, learned advocate appearing for the respondents submits that Shri N. Anjani Kumar, the earlier Presenting Officer has already retired on 31st August, 2024 and in his place and stead Smt. Vimla A. Tolani has been appointed as the Presenting Officer, who is neither a legal practitioner nor

a legal expert and has no legal background. Let the memo dated 10th September, 2024, as produced, be kept on record. A copy of the same has been handed over to Mr. Basu, in Court today.

In such changed circumstances, no further interference is called for in the present writ petition and the same is, accordingly, disposed of.

It is, however, made clear that we have not decided the issue as to whether the petitioner was entitled to engage a legal practitioner as his Defence Assistant since the Presenting Officer was a qualified legal expert.

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.)