

26.06.2024
Item No.06
Court No.11
Avijit Mitra

WP.ST 102 of 2024

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

And

Dr. Haricharan Ray
- Versus -
State of West Bengal & ors.

Mr. Arjun Ray Mukherjee,
Ms. Soheli Mukherjee

....for the petitioner

Mr. Susovan Sengupta,
Mr. Somnath Naskar,
Mr. Sanatan Panja

...for the State

The present writ petition has been preferred primarily praying for expeditious disposal of the pending original application (hereinafter referred to as OA), being OA 689 of 2023. From the last order of the learned Tribunal dated 20th March, 2024 passed in the said OA, it appears that the respondents were directed to file a reply and the matter was made returnable for hearing on 3rd July, 2024.

Mr. Mukherjee, learned advocate appearing for the petitioner submits that pursuant to an order passed in an earlier OA, the respondent no.3 passed an order on 16th May, 2018. The operative part of the said order runs as follows :

'Now in compliance to the Order of the Hon'ble WBAT, passed in CCP – 21 of 2016 arising out of OA-1431 of 2013 (Dr. Hari Charan Ray –Vs- State & Ors.), as referred to above and after carefully

considering the entire facts and circumstances of the case, the prayer of Dr. Hari Charan Roy for granting him 16 years MCAS, is recommended to the Department of Health & F.W. without prejudice to the outcome of the departmental proceeding contemplated against him. Thus, the matter is disposed of.'

He further submits that the departmental proceedings contemplated against the petitioner, as referred to in the said order dated 16th May, 2018, was ultimately initiated through issuance of a chargesheet dated 4th June, 2018. The said departmental proceeding was challenged by the petitioner before the learned Tribunal by filing OA 534 of 2018. The said OA was disposed of by a judgment dated 16th September, 2022 setting aside the chargesheet. In view thereof, there is no bar towards disbursement of the benefits to the petitioner, as recommended by the respondent no.3 by the order dated 16th May, 2018.

He submits that no writ petition has also been preferred challenging the judgment dated 16th September, 2022 passed in OA 534 of 2018 but still the respondents have illegally withheld the benefits. Aggrieved thereby, the petitioner again filed OA being OA 689 of 2023.

When the matter last appeared before this Court, Mr. Sengupta, learned advocate appearing for the State submitted that the reply, as directed by the learned Tribunal, would be filed within two weeks.

Today, Mr. Sengupta informs us that such reply has already been filed by the State respondents. A copy of the same has also been handed over to Mr. Mukherjee in Court today. The petitioner is directed to file a rejoinder to the same positively within 1st July, 2024 and to serve a copy of the same upon the learned advocate appearing for the respondents before the learned Tribunal on the said date itself.

In the said conspectus, we would request the learned Tribunal to decide the OA 689 of 2023 finally on the returnable date or 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 ChatterjeeJ.) (Tapabrata Chakraborty, J.)