

03
08.08.2024
Jayanta
Ct. 11

WP.ST 117 of 2024

Noor Mohammad
– *Versus* –
State of West Bengal & Others

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

Mr. Tapan Kumar Mukherjee, Ld. AGP
Mr. Pinaki Dhole
Mr. Somnath Naskar
... for the State/Respondents.

This writ petition has been instituted seeking a direction upon the learned Tribunal to expedite the disposal of the original application (in short, OA), being OA 630 of 2023.

Mr. Basu, learned advocate, representing the petitioner, assisted by Mr. Banerjee, submits that the petitioner was granted MACP benefits for completion of 25 years of service. Subsequently, by an order dated 31st July, 2023 the benefits granted to the petitioner were withdrawn and the amounts paid towards MACP benefits, have been recovered from the petitioner. Such action of the respondents prompted the petitioner to institute OA 630 of 2023.

He contends that based on a baseless allegation of misconduct, a disciplinary proceeding was initiated against the petitioner. Consequently, the petitioner has questioned the legality of the proceeding in another original application, which is still awaiting final consideration before the learned Tribunal.

He submits that the petitioner is entangled in an office politics and therefore, embroiled in a drawn-out legal battle. He,

therefore, prays for a direction be given upon the learned Tribunal to resolve the issue raised in the original application without delay.

We have been informed that the State respondents have not filed its reply to that original application as yet.

Mr. Mukherjee, learned Additional Government Pleader, submits that the reply would be filed within three weeks from date. In the event, a reply is filed by the State within that time, the petitioner shall be at liberty to file rejoinder within a week thereafter. If the State fails to file a reply within that time, the learned Tribunal shall proceed to decide the issue involved in OA 630 of 2023 based on the averments made in the original application and the arguments of the parties.

In view of the above, the writ petition is disposed of with a request for the learned Tribunal to make a sincere endeavor to dispose of the original application on the returnable date, i.e. 25th September, 2024 or as expeditiously as possible, preferably within a period of three months thereafter.

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