

17.09.2024
Item No.18
Court No.11
Avijit Mitra

WP.ST 165 of 2024

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

And

Gita Naskar & ors.
- versus -
State of West Bengal & ors.

Mr. Tulsidas Maiti,
Mr. Pradip Kumar Ghosh,
Mr. S. Bala
....for the petitioners.

Mr. Somnath Ganguli, Ld. A.G.P.,
Ms. Kalpita Paul
....for the State respondents

The present writ petition seeks a directive to the learned Tribunal to expedite disposal of an Original Application (in short, OA) being OA 641 of 2018.

Mr. Maiti, learned advocate for the petitioners, argues that the OA was initially filed by a retired employee seeking the release of his pension in 2018. He submits that during the pendency of the OA, the employee passed away, and his legal heirs have been brought on record. Mr. Maiti further submits that almost six years have elapsed since the OA was presented, yet it remains unresolved before the Tribunal. He contends that the parties have exchanged pleadings as directed by the Tribunal, and the petitioners are prepared to advance their argument and submit written notes of argument.

He contends that the OA was last heard on 6th May, 2022 and the next hearing date was scheduled for 15th July,

2022. However, the matter was not listed on 15th July, 2022 and even, no date has been set for further hearing of the OA till the date.

He next contends that the petitioners attempted to prefer one Miscellaneous Application for expeditious disposal of the OA but the learned Tribunal has refused to accept and register the said application. He submits that this Court should exercise its jurisdiction conferred under Article 227 of the Constitution of India and pass an appropriate order to ensure the expeditious disposal of the OA.

Mr. Ganguli, learned Additional Government Pleader appearing for the State respondents, submits written instructions along with certain documents. He, in his usual fairness, submits that on 15th July 2024, the matter was not listed, and no date has since been fixed for further consideration of the application. He further states that if the Court issues any direction to the learned Tribunal to expedite the disposal of the OA, he will not stand in the way.

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

A septuagenarian had knocked on the door of the learned Tribunal with an OA seeking resolution of the issue regarding the release of his pension in 2018. He has since passed away and his legal heirs are currently pursuing the matter and striving to have the OA disposed of expeditiously, but to no avail.

As noted earlier, the matter was last heard on 6th May 2022 and was scheduled for further hearing on 15th July 2022.

However, it was not listed on that date. According to the normal procedure followed by the learned Tribunal, after hearing is completed on a particular date, the next hearing date is scheduled. It is surprising to note that, in this case, no date has been set for further hearing of the OA for the last two years.

In paragraph 10 of the writ petition, the petitioners have made a specific averment on oath that they attempted to file a Miscellaneous Application seeking expeditious disposal of the OA but the learned Tribunal refused to accept and register the Miscellaneous Application.

Needless to state, a court or a judicial institution is committed to providing speedy and objective justice to the litigants who are compelled to seek it.

In view of this, the present writ petition is disposed of directing the learned Tribunal to dispose of the OA positively within six weeks after the puja vacation.

The petitioners are directed to communicate this order to the learned Registrar, West Bengal State Administrative Tribunal within a week from date.

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.)