

27.11.2024
(D/L-3)
Ct. No.4
(Naba)

W.P.S.T. 223 of 2024

Dr. Bazlul Islam
Vs.
The State of West Bengal & Ors.

Mr. Golam Mustafa,
Mr. T.S. Samanta
... for the Petitioner.

Mr. Tapan Kr. Mukherjee, Sr. Adv.,
Mr. Somnath Naskar
... for the State.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Heard the learned Counsel for the petitioner as well as the learned Counsel for the State.
3. The learned Counsel for the petitioner had earlier approached the learned Tribunal seeking some arrears of salary by way of a proceeding in O.A. No. 528 of 2017. The same was disposed of granting him liberty to file a representation. The petitioner thereafter approached the writ Court by filing a writ petition bearing W.P.S.T. No.187 of 2021 assailing the order passed by the Tribunal. The Tribunal's order was upheld by this Court in W.P.S.T. No. 187 of 2021 by an order dated 19.06.2023. This Court in the said writ proceedings has considered the matter and

disposed of the writ petition in the following terms:-

“...Today, the report submitted pursuant to order dated December 17, 2021 is not accepted by the writ petitioner. Issues on facts arise. One of the issues is as to the period of time when, the writ petitioner discharged his duties.

Such an issue of fact is required to be decided on the basis of records available with the authorities. Such issue of fact is best decided by the authority as directed by the tribunal.

In such circumstances, we find no material irregularity in the impugned order of the tribunal when the tribunal permitted the writ petitioner to make a representation which would be decided within a specified time by passing a reasoned order.

It is open to the writ petitioner to avail of such facility as directed by the impugned order of the tribunal. In the event, the writ petitioner makes a representation in terms of the impugned order within 7 days from date, the authorities will consider the same within the time frame as stipulated by the impugned order.

WPST 107 of 2021 is disposed of accordingly.”

4. The petitioner thereafter has made a representation. The authorities in the meantime considering the petitioner's claim have passed an order constituting an Enquiry Committee. The order is dated 09.10.2023. The petitioner thereafter denied the allegation of unauthorised absence forming the basis of the quantified recovery before the Enquiry Committee. The authorities passed a reasoned order on 15.04.2024. The petitioner thereafter has approached this Court alleging that the authorities have committed contempt of the order passed in W.P.S.T. No.187 of 2021. The contempt application has been disposed of recording compliance of the order passed in W.P.S.T. No.187 of 2021.
5. Under such circumstances, the reasoned order has been assailed by the petitioner before the West Bengal Administrative Tribunal by filing O.A. 250 of 2024 which is pending consideration and a date has been fixed. During pendency of the Original Application filed by the petitioner himself before the Tribunal he has approached this Court and it is submitted that a direction be issued granting him the benefit of increments.
6. Since an issue regarding this unauthorised absence and certain recovery sought to be made

on account thereof are pending consideration before the Tribunal in O.A. 250 of 2024, we find no justification or reason for interfering or passing any orders in this collateral proceedings.

7. The Writ Petition is dismissed.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)