

WPST 186 of 2023

(Koustav Mukherjee. Vs. State of West Bengal & Ors.)

Mr. Ekramul Bari
Mk. S. Uddin

..... For the Appellant.

Mr. Tapan Kumar Mukherjee, Ld. AGP
Ms. Tuli Sinha

..... For the State.

Affidavit-of-service filed by the petitioner be kept on record.

The present writ petition has been preferred challenging an order dated 26th July, 2022 passed by the learned Tribunal in the original application being O. A. 208/2022.

Mr. Bari, learned advocate appearing for the petitioner submits that the subject matter of challenge in the original application was a '*three men enquiry committee report*' as communicated to the petitioner *vide* memo dated 24th March, 2022. Without considering the arguments advanced as regards sustainability of the said enquiry report, the learned Tribunal erred in law in relegating the matter to the concerned department for consideration and disposal of the petitioner's prayer for compassionate appointment.

Mr. Mukherjee, learned advocate appearing for the State respondents denies and disputes of the contention of the petitioner and answering our query he submits that no final decision has yet been taken by the competent authority in terms of the order dated 26th July, 2022 passed by the learned Tribunal.

In our opinion, as the '*three men enquiry committee report*' was the subject matter of challenge in the original application, the learned Tribunal ought not to have relegated the matter to the concerned department for consideration without deciding the legality of the said report.

In view thereof, the order dated 26th July, 2022 passed in the original application is set aside and the original application is restored to its original file and number.

The learned Tribunal is directed to decide the legality of the '*three men enquiry committee report*', as prayed for in the original application and dispose of the said application on merits, as expeditiously as possible, without granting any unnecessary adjournment either of the parties.

The writ petition WPST 186 of 2023 is, accordingly, disposed of.

There shall, however, no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(V.M. Velumani, J.)

(Tapabrata Chakraborty, J.)