

21.03.2025

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**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 3106 of 2025

Shyamal Biswas

-Vs-

The State of West Bengal & Ors.

Mr. Aditya Sen

... for the petitioner

Mr. Somnath Ganguli,
Mr. Rajaram Banerjee

... for the State

Affidavit of service filed in Court today is taken on record.

The petitioner had filed an application before the West Bengal Administrative Tribunal constituted under the Administrative Tribunal Act, 1985. It is the grievance of the petitioner that the said application was filed on 14th July, 2022 but no effective hearing has taken place as yet due to absence of the Judicial Member. The matter has been thrice listed after filing but has been adjourned for non-availability of the Judicial Member. The petitioner, therefor, submits that this writ petition on the self-same cause may be admitted by this Court following the ratio laid down in ***Roger Mathew –Vs.- South Indian Bank Limited represented by its Chief Manager and Others, reported in (2020) 6 SCC 1.***

After hearing the parties and considering the materials on record, I find that on one hand, due to absence of the Judicial Member, the petitioner has been unable to proceed with his matter and is virtually remediless since 14th July, 2022, while on the other hand, admittedly West Bengal Administrative Tribunal is the appropriate forum to which the petitioner has rightly approached but has not been able to get an opportunity of hearing since 14th July, 2022.

The West Bengal Administrative Tribunal is directed to take up the matter as expeditiously as possible but not beyond 25th April, 2025 and give an opportunity of hearing to the petitioner. This order is being passed since this Court is not inclined to usurp the power and authority of the West Bengal Administrative Tribunal at this stage.

The writ petition is accordingly disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court without insisting upon production of a certified copy thereof.

(Arindam Mukherjee, J.)