

WPST 196 of 2024

(Amit Gupta Vs. The State of West Bengal & Ors.)

**Mr. Pradip Kumar Tarafder
Mr. Sambuddha Dutta**

.... For the petitioner

**Md. T. M. Siddiqui, Ld. AGP
Mr. Tanoy Chakraborty
Mr. Suddhadev Adak**

**..... For the State respondents &
Respondent nos. 7 & 8**

Mr. Suman Basu

..... For the respondent no. 6

The task at our hands is unpleasant. It concerns the actions of the Officiating Chairperson and the Registrar of the West Bengal State Administrative Tribunal.

Earlier while disposing of a writ petition, this Court by an order dated 7th May, 2024 directed the Single Member to hear and dispose of the original application (in short, OA), being OA 454 of 2023 on merits, as expeditiously as possible and preferably within a period of 8 (eight) weeks from the date of communication of the order.

Pursuant thereto and in course of hearing of the OA on 1st August, 2024, the Tribunal made an observation as follows:-

‘Since this Tribunal has been functioning with just one Member, instead of six Members, for the last two years, it has to be appreciated that this matter cannot be heard and disposed of as expeditiously as desired.’

Stating that our direction had not been complied with and that the OA had not been finally disposed of, as

desired by this Court, the petitioner preferred the present writ petition annexing the copy of the Tribunal's order dated 1st August, 2024.

Upon hearing the learned advocates and considering the materials on record, we impleaded the Single Member and the Registrar of the Tribunal as respondent nos. 7 and 8 to the present writ petition and directed the added respondent no. 7 to file a report in the form of an affidavit explaining the observation, as quoted above, made by him in the order dated 1st August, 2024. The added respondent no. 8 was also directed to verify the records of the OA and to file a report in the form of an affidavit disclosing the date on which the application being MA 55 of 2024 was filed and why there was a delay in placing the matter before the Single Member.

Pursuant to such directions, the respondents have filed their affidavits. The added respondent no. 7 in his affidavit had stated, *inter alia*, that '*I have no explanation to give but to tender my unconditional apology for the observations made by me in the order dated 01.08.2024*' and prayed for unconditional apology.

The added respondent no. 8 in his affidavit had also prayed for unconditional apology and stated that he had enlisted the matter as instructed by the respondent no. 7.

In the hierarchical system of Courts, a willing and disciplined acceptance of the order of the higher Court is the fundamental feature of the system and that the observation made by the Member, as quoted above, was

perilously close to destroying this discipline. Accordingly, such observation shall stand expunged from the order dated 1st August, 2024.

The added respondent no. 7 being the Officiating Chairperson of the Tribunal ought to have been cautious that his utterances do not demonstrate any lack of sobriety towards the orders of the higher Court or any scorn for the system merely because he is handling a substantial workload.

The duty of the respondent no. 8, being the Registrar, is to check the files and apprise the Member about any directions that may have been issued by the higher forum. It is his responsibility to maintain liaison with the staff of the registry and to aid the Member in discharging his functions and not to be a silent spectator since he is in public service and is accountable to the litigants.

The learned advocate appearing on behalf of the respondents submits that it had never been the intent of the respondent nos. 7 and 8 to undermine the majesty of the Court and they have tendered unqualified apology and the same is not questionable in sincerity and is tempered with a sense of genuine remorse and repentance. He humbly prays for acceptance of such apology.

We are aware that this Court has to exercise caution and restraint when initiating contempt proceedings. However, any leniency or liberal attitude shown to the

said respondents by this Court cannot be taken as a license for indulging in indecorous behavior. They should be mindful in future. Considering the great responsibility their designations hold, we accept the apology tendered and restrain ourselves from issuing any *suo motu* rule of contempt against the said respondents.

We have been informed that during pendency of the present writ petition, the OA had been disposed of by the Tribunal and as such no further order is required to be passed in the present writ petition and the same is, accordingly, disposed of.

The learned Registrar General of this Court is directed to communicate this order to the added respondent nos. 7 and 8 within a week from date. The added respondent no. 8 shall keep a copy of the said order in the records of the OA being OA 454 of 2023.

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

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