

03.01.2025
(D/L-5)
Ct. No.4
(B.K.N.)

W.P.S.T. 214 of 2024

**Nazrul Islam & Ors.
Vs.
State of West Bengal & Ors.**

Ms. Lina Majumder
...for the Petitioners

Ms. Sonal Sinha,
Mr. Amrut Lal Chatterjee
...for the State

1. The petitioners have approached the State Administrative Tribunal by filing an application bearing O.A. No. 361 of 2022. They were seeking a direction upon the respondents to allow a monthly remuneration with medical benefits and other benefits pursuant to a policy of the State Government containing memo no. 3998-F(P) dated 15th July, 2019 issued by the Additional Chief Secretary, Finance Department, Government of West Bengal.
2. The O.A. was disposed of directing the Director, Animal Husbandry and Veterinary Services, West Bengal to consider the case of the applicant treating the O.A. as their representations. The claim was rejected by the said authority by an order dated 15th December, 2022. The petitioners were thus compelled to approach the Tribunal

again by filing another application. The second application was numbered as O.A. No. 150 of 2023. The same has been disposed of without passing any order by the West Bengal Administrative Tribunal under its order dated 12th September, 2024. The reason assigned is that the relief claimed in the second O.A. is substantially same as was claimed in O.A. 361 of 2022, without assailing the order dated 15th December, 2022 passed pursuant to the order passed by the Tribunal in O.A. 361 of 2022.

3. The learned counsel for the petitioners submits that in paragraph one of the O.A. the petitioners have mentioned regarding rejection of their claim by the Director, Animal Husbandry and Veterinary Services, West Bengal by the order dated 15th December, 2022. The interim relief has also been made in the prayer portion of the O.A. regarding quashing of this order. In the pleadings in the O.A. substantially, therefore, petitioner's have thrown a challenge to the order dated 15th December, 2022, though the same has not been articulated as per the requisite format to be filed before the Tribunal.
4. It is submitted by the learned counsel that the petitioners are sweepers claiming a particular benefit under the scheme of State Government.

5. The learned counsel for the State Government on the other hand submits that there is no infirmity in the order of the Tribunal in as much as the second O.A. was filed without assailing the reasoned order dated 15th December, 2022.
6. We have considered the rival submissions. Upon going through the O.A. we find that the present petitioners have in the pleadings expressed dissatisfaction with the order passed by the Director, Animal Husbandry and Veterinary Services on 15th December, 2022. They have also claimed quashing of the order, however, the same has been mentioned in the column for interim relief.
7. Keeping in background the status of the petitioners, who were sweepers, and their level of education we consider it appropriate that the matter be remanded to the West Bengal Administrative Tribunal for consideration of the relief of quashing of the order dated 15th December, 2022. For facilitating such consideration the writ petitioners would be at liberty to file a supplementary affidavit placing on record the order dated 15th December, 2022 and incorporating a final relief in respect of the said order.
8. Let the supplementary affidavit be filed along with a copy of this order for effective considerations of

the petitioners claim by the West Bengal Administrative Tribunal.

9. The writ application stands disposed of accordingly.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)