

**W.P.S.T. 187 of 2023
With
CAN 1 of 2025**

**Kutub Uddin Laskar & Ors.
Vs.
The State of West Bengal & Ors.**

Sk. Imtiaz Uddin

...for the Petitioners

1. Heard the learned counsel for the writ petitioner.
2. The petitioner's claim pending before the West Bengal Administrative Tribunal ('Tribunal' for short), is his challenge to a promotion granted to some persons from Group 'D' to Group 'C'. He has assailed the promotion granted to the others and has sought relief from the Tribunal that he be promoted to Group 'C'.
3. It is submitted by the learned counsel for the writ petitioner that as apparent from the impugned order, the matter was kept pending in spite of an earlier order passed in earlier writ proceedings being W.P.S.T. No. 16 of 2023 directing for expeditious disposal of the petitioner's claim. The Tribunal, however, has not disposed of the matter and therefore, the present writ petition has been filed.
4. Having regard to the nature of claim raised being consequential benefits on account of some claimed promotion and considering such

submissions made on behalf of the petitioners, we find no such extraordinary urgent circumstance which may warrant interference, or taking up of the matter by this Court, during pendency of the O.A. before the Tribunal. The nature of relief is merely consequential and no irreparable injury is involved. Mere pendency of the matter before a Tribunal for some time, *ipse facto* cannot be a ground for the High Court to take up the matters pending before the Tribunal. The decisions of the Apex Court in the case of **L. Chandra Kumar Vs. Union of India & Ors.** reported in **(1997) 3 SCC 261** and **Rajeev Kumar Vs. Hemraj Singh Chauhan** reported in **(2010) 4 SCC 554** is clear in this regard, that the Tribunal is the Court of first instance.

5. We, therefore, are not inclined to interfere in the matter for the present.
6. We are informed that perhaps the sole member of the Tribunal has retired yesterday. This immediate development also does not justify any interference in an O.A. pending before the Tribunal.
7. The Writ Petition being **W.P.S.T. No. 187 of 2023** is disposed of.
8. Accordingly, CAN 1 of 2025 is also disposed of.
9. There will be no order as to costs.

10. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)