

19th February, 2026
(D/L No.19)
Ct. No.4
(SKB)

W.P.S.T.95 of 2021

Rabindra Nath Biswas
Versus
State of West Bengal and others

Mr. Samiran Mandal,
Mr. Abhinaba Dan,
Mr. Nitish Samanta,
Ms. Shreyasee Mitra

... for the petitioner.

Mr. Tapan Kumar Mukherjee, Id. AGP,
Mr. Somnath Naskar

... for the State.

1. Heard the learned advocate for the applicant/writ petitioner and the learned AGP.
2. The petitioner filed an Original Application bearing O.A. No.179 of 2017 seeking to assail an order passed by the Additional Chief Secretary, Government of West Bengal, on 30.09.2011. The O.A. was filed in the year 2017, six years after the order passed by the Additional Chief Secretary.
3. The West Bengal Administrative Tribunal (in short 'Tribunal') considered the issue in substance which was whether the Additional Chief Secretary's order rejecting a part of the petitioner's claim for reimbursement of Traveling

Allowance (in short 'T.A.') was sustainable or not. The order of the Additional Chief Secretary, which fell for consideration before the Tribunal clearly records that the petitioner/applicant was recurrently absent from duties, undertook tours without approval, and various memos were issued to him.

4. Having considered the entire issue with reference to the various memos, which are enumerated in the order of the Additional Chief Secretary, a finding was recorded that the inspection tours, which were undertaken by the petitioner within his jurisdiction, are approved. The tours in connection with high court matters supported by documentary evidence were approved. The tours to Kolkata to the C & I Department or to the office of D.M.M. supported by documents were also approved.
5. Some other claims, however, have not been approved in view of the consideration, relying upon the memos and the unauthorized tours undertaken by the petitioner. The order, therefore, is a well considered and a reasoned order founded on material in support of the decision. The Tribunal exercising its jurisdiction

under the Administrative Tribunals' Act also exercises a jurisdiction of judicial review.

6. By now, the contours of the judicial review are well established. The same is confined to the decision making process and not the decision itself. The decision of the Additional Chief Secretary dated 30.09.2011 is rendered after due consideration of all relevant materials. The same has been done in compliance of an earlier order passed in the petitioner's O.A. No.197 of 2010.

7. Considering the reasoned order within the confines of judicial review, the Tribunal recorded the following findings in the order impugned:

"We find that the factual findings such as the applicant had worked for only 44 days out of 140 working days on April 2006 to December 2006 and only 6 days out of 21 working days in November, 2007 having gone unchallenged. Moreover, the applicant has not challenged the various memos which were issued to the applicant regarding undertaking tour without approval. We find there is no mistake in the decision making process. The claim of the applicant has been partially allowed. Therefore, the impugned order need not be interfered with. The application is dismissed."

8. We, therefore, find no infirmity in the consideration by the Tribunal requiring any interference in exercise of jurisdiction under Article 226 of the Constitution of India.

9. The writ petition is dismissed.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)