

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

The Hon'ble Justice Soumitra Pal (Chairman)
& The Hon'ble Mr. Subesh Kumar Das (Administrative Member)

Case No – O.A. 76 of 2019

SHRI TARUN KUMAR DAS Vs **The State of West Bengal & Ors.**

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
<p>7</p> <hr/> <p>29.07.2019</p>	<p>For the Applicant : Mr. S. Roy Chowdhury, Advocate</p> <p>For the Respondents : Mr. G.P. Banerjee, Advocate</p> <p>Let rejoinder filed today be kept on record.</p> <p>In this application, the applicant, who is a member of the West Bengal Fire Services Employees Union registered under the Trade Unions Act, 1926, has challenged the order dated 18th December, 2018 passed by the Secretary to the Government of West Bengal.</p> <p>Mr. S. Roy Chowdhury, learned advocate appearing on behalf of the applicants submits that as the applicant is a member of a trade union and as his rights under the Constitution of India have been curtailed, appropriate order may be passed.</p> <p>Mr. G.P. Banerjee, learned advocate appearing on behalf of the State respondent submits that since the application is not a service matter as defined under the Administrative Tribunals Act, 1985 and the Tribunal has no jurisdiction to deal with the matter and as it is evident</p>	

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SCN.	<p>from the reply that on a similar issue a writ petition has been filed before the High Court and an order has been passed on 13th February, 2019 in W.P. 2770 (W) of 2019 : Fire Services Workers Union, West Bengal & Ors. Versus The State of West Bengal & Ors. admitting the matter and the point of maintainability has not been raised, no order may be passed in this application.</p> <p>Heard Mr. Roy Chowdhury and Mr. Banerjee. Since we find that from the order dated 13th February, 2019 passed in W.P. 2770 (W) of 2019 that the said resolution dated December 18, 2018 is under challenge and is awaiting hearing and as it is apparent from the said order that the Tribunal lacks jurisdiction to deal with this matter, no order is passed in the matter. The application is disposed of.</p> <p>After order is passed, Mr. Roy Chowdhury submits that liberty may be granted to move before the appropriate forum. In view of the submission made the applicant is at liberty to move before the appropriate forum, if so advised.</p> <p>(S.K. Das) MEMBER (A)</p> <p>(Soumitra Pal) CHAIRMAN</p>	