

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Mrs. Urmita Datta (Sen), Member(J)

Case No. – OA-675 of 2019

Kamrul Karim VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order For the Applicant : Mr. S. Naskar,
Learned Advocate.

For the State Respondents : None.

10
20.04.2022

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 118-WBAT/1E-08/2003 (Pt.-II) dated 11th February, 2022 issued in exercise of the powers conferred under Section 6 (5) of the Administrative Tribunals Act, 1985.

Today, the counsel for the applicant has placed one order dated 17.03.2022 passed in WPST 13 of 2022 wherein the Hon'ble Division Bench of High Court, Calcutta has observed the following :-

"The instant writ petition is filed challenging the order dated 27.01.2019 passed by the Director of Health Services, Govt. of West Bengal rejecting the claim of the petitioner for pension as he did not serve his qualifying service under the D.C.R.B. Rules, 1971.

The learned advocate for the petitioner moved the said application taking plea of several judicial pronouncements in this regard but after perusing the papers annexed to the instant writ petition, it appears that the same is the subject matter of challenge in the Tribunal application. The order sheet annexed to the writ petition does not reveal that the Tribunal application has been finally disposed of. Rather, it appears that the same was fixed for hearing on 18.01.2022 but nothing transpired from the subsequent order that the hearing took place. The next date is fixed on 19.04.2022. The writ petitioner cannot jump the forum and approach the Court for a decision which is yet to be taken by the Tribunal in pending proceedings.

The learned advocate for the petitioner realizing so, firmly submits that he seeks for an early disposal of the Tribunal application

ORDER SHEET

Form No.

Kamrul Karim

Vs.

Case No. **OA-675 of 2019**

The State of West Bengal & Ors.

and does not intent to press the reliefs claimed in the instant writ petition.

In view of the above, since the matter has already been on 19.04.2022 for hearing, we expect that the Bench before whom the Tribunal application is pending, shall take up the matter on the date so fixed and effort shall be shown to dispose of the same within three weeks therefrom. If necessary, consecutive days would be fixed.

We are assured by the appearing counsels that they would not seek unnecessary adjournments except as necessitated by unforeseen or unavoidable circumstances and shall cooperate and assist the Bench in adhering the time limit, indicated hereinabove."

It is noted that by the order dated 02.11.2019, the erstwhile Bench had directed the respondents to file reply within four weeks and rejoinder if any, by two weeks thereafter. However, till date no reply has been filed. Therefore, one last chance is granted to the respondents to file reply. Let the matter be listed on **29.04.2022** for hearing. Reply/rejoinder, if any, in the meantime.

URMITA DATTA (SEN)
MEMBER (J)

sc