

03.09.2020
S/L No.37
(Through Video Conference)
(NB/SK)
Ct. No. 8

WPST 212 of 2020
With
CAN 2 of 2016(Old No:CAN 8408 of 2016)
CAN 3 of 2016(Old No:CAN 10245 of 2016)
CAN 4 of 2020(Old No:CAN 4406 of 2020)
CAN 5 of 2020(Old No:CAN 4408 of 2020)

Sarmistha Saha & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Subrata Dutt,
Mr. Soumalya Ganguli
...for the Appellants.

Mr. Kishore Dutta (Ld. Adv. Gen),
Ms. Chaitali Bhattacharyya,
Mr. Mrinal Kanti Ghosh.
...for the State

The petitioners undertake to affirm and stamp the petition as per the Rules within one month of resumption of normal functioning of the court. The petition is taken up through video-conference on the basis of such undertaking.

The prayer for the petitioners for regularisation in the post of CDPOs was turned down by the Tribunal on 29th February, 2012. The writ petition was preferred against the said order. There has been no stay of operation of the order of the Tribunal for all these orders. The Government of West Bengal, Director of ICDS Project on 22nd July, 2020 passed an order by which 83 ACDPO has been transferred to the place mentioned against in the column 4. They were directed to join the post of ACDPO after giving charge by CDPO form

the ICDS Project. Any order passed at this stage would virtually could not only disrupt the entire list but also could be granting of stay of operation of the impugned order which had not been stayed by the successive Benches hearing the matters for all these years.

Under such circumstances, we disposed of the application with the observation that the joining to the post of ACDPO by the writ petitioners shall be without prejudice to the rights and contentions in the writ application.

The State shall file an affidavit-in-opposition duly served upon the appellants by Tuesday. The original affidavit-in-reply filed in Court today is kept with the record.

WPST 212 OF 2012 shall be listed for final hearing before the appropriate Bench on the first working day in the month of October, 2020.

All the connected applications are disposed of.

(Soumen Sen, J.)

(Saugata Bhattacharyya, J.)