

District : Medinipur

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In the High Court at Calcutta
Constitutional Writ Jurisdiction

Appellate Side

T.A. 350/1/2017
W. P. No. 11042 (W) of 2016

In the Matter of:
An application under Article 226 of
the Constitution of India.

And

In the Matter of:
A writ in the nature of Mandamus
and/or Certiorari and/or any other
suitable writ or writs order or orders,
direction or directions under the
Constitution of India.

And

In the Matter of:
Right to better opportunity was taken
away arbitrarily, whimsically and

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Ray Kumar Gupta
Advocate

illegally. Right to life includes right to better opportunity which was taken away and as such fundamental rights was/were infringed and petitioner was discriminated.

And

In the Matter of:

Shyam Sundar Das, son of late Subal
Chandra Das, residing at Ballavpur,
Sohagi Lane, Bilmath, Medinipur-721
101.

.... Petitioner

-Versus-

1. Union of India service through
the Secretary, the Ministry of
Planning, Department of Statistics
and Programme Implementation,
Government of India, National Sample
Survey Organisation, Sardar Patel
Bhawan, Sansad Marg, New Delhi -
110 001.

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2. The Senior Government
Advocate (H.O.), The Ministry of Law
and Justice, 11, Strand Road,
Kolkata-700 001.

3. The Director (Admns.), the
Ministry of Planning, Department of
Statistics and Programme
Implementation, N.S.S.O. (F.O.D.)
East Block No.6, Level 4-7, R. K.
Puram, New Delhi - 110 066.

4. The Director, the Ministry of
Planning, Department of Statistics
and Programme Implementation,
N.S.S.O. (F.O.D.) East Block No.6,
Level 4-7, R. K. Puram, New Delhi -
110 066.

5. The Additional Director General,
N.S.S.O. (F.O.D.) East Block No.6,
Level 4-7, R. K. Puram, New Delhi -
110 066.

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6. The Deputy Director (Admn.)
N.S.S.O. (FOD) 'C' Block, IIIrd Floor,
Pushpa Bhavan, Madanair, New
Delhi-110 062.

7. The Deputy Director General,
N.S.S.O. (FOD) 'C' Block, IIIrd Floor,
Pushpa Bhavan, Madanair, New
Delhi-110 062.

8. The Deputy Director & H.O.
N.S.S.O. (FOD), C.G.O. Complex, 2nd
floor, E-Wing, Sector-I, Block-DF, Salt
Lake City, Kolkata-700064.

9. The Chief Administration
Officer, N.S.S.O. (FOD) West Block
No.8, Wing no.6, 1st floor, R. K.
Puram, New Delhi-110 022.

10. The Regional Asstt. Director,
(Appointing Authority), Chaudhury
Market, Badamtala, Kalna Road,
Burdwan-713 101.

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11. The Chairman, National Council
for Scheduled Castes and Scheduled
Tribes, New Delhi.

12. The Secretary, The National
Commission for Scheduled Caste and
Scheduled Tribes, Floor 'E'. Loknayak
Bhawan, New Delhi-110 003.

..... Respondents

T.A.No.350/1/2017
(W.P.11042(W) of 2016)

Date of order : 10.03.2017

Coram : Hon'ble Mr. A.K. Patnaik, Judicial Member

For the applicant : Mr. R.K. Gupta, counsel

For the respondents : Mr. P. Mukherjee, counsel

ORDER(ORAL)

This matter was originally filed in the Hon'ble High Court of Calcutta being W.P.No.11042 (W) of 2016 which was subsequently transferred to this Tribunal vide order dated 08.07.2016 and renumbered as T.A.350/1/2017.

2. In this T.A. the applicant has prayed for the following reliefs:-

"a) Writ in the nature of Mandamus be issued commanding respondent authorities to show cause as to why the decision was taken by the concerned respondents including the respondent no. 10 not to send the application submitted by the petitioner to Public Service Commission, West Bengal for appearing in the examination for West Bengal Audit and Accounts Service Examination, 1980;

b) Writ in the nature of Mandamus be issued commanding respondent authorities to show cause as to why the decision was taken by the concerned respondents including the respondent no. 10 not to issue letter of permission to the petitioner to join West Bengal Audit and Accounts post on success;

c) Writ in the nature of Mandamus be issued commanding respondent authorities to show cause as to why the decision was taken by the concerned respondents including the respondent no. 9 in issuing memorandums for violation of Rule 20 of the CCS (Conduct) Rules, 1964 annexure P8 and P11 annexed to this writ petition;

d) Writ in the nature of Mandamus be issued commanding respondent authorities to show cause as to why the decision was taken by the concerned respondents including the respondent no. 6 and respondent no. 9 to reject the representation of the petitioner without assigning any reason/reasons annexure P-15 and P-16 to this application.

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e) Writ in the nature of certiorari be issued calling upon the respondent/respondents the entire relevant records pertaining to the impugned decision taken by the respondent authorities in regard denial of better opportunities and/or prospect, in regard to infringement of fundamental rights of the petitioner.

f) Writ in the nature of Mandamus be issued commanding the respondent authorities to show cause as to why the petitioner should not be compensated to an amount of Rs. 27,25,545.65 for loss of salary difference.

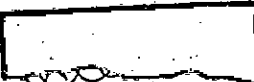
g) Rule NISI be issued in terms of prayers (a), (b), (c), (d), (e) and (f) above;

h) Rule be made absolute if no cause or insufficient cause be shown by the respondents.

i) Any further order or orders be passed as to this Hon'ble Court may deem fit and proper."

3. As this application was filed before the Hon'ble High Court of Calcutta under Article 226 of the Constitution of India, Id. counsel for the applicant has prayed for liberty to withdraw this T.A. and file an O.A. before this Tribunal as per Section 19 of the Administrative Tribunals Act, 1985.

4. Having heard both sides, the T.A. is disposed of as 'withdrawn'. The applicant is given liberty to file an O.A. before this Tribunal claiming the reliefs as prayed for in this T.A. within a period of one month.



(A.K. Patnaik)
Judicial Member