

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. – MA 103 of 2021 and MA 104 of 2021[OA 204 of 2016]

Gautam Das & Ors. -- **VERSUS** – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicants	: Ms. N. Sharma, Learned Advocate.
	For the State Respondent	: Mr. D. Kole, Learned Advocate.

02
15.06.2022

The matter is taken up by the Single Bench pursuant to the order contained in the Order No. 354-WBAT/2J-15/2016 dated 18th May, 2022 issued in exercise of the powers conferred under Section 6(5) of the Administrative Tribunals Act, 1985.

The counsel for the applicants today has drawn my attention that she has filed another MA being 104 of 2021 for condonation of delay along with MA-103 of 2021. However, it has not been listed in today's list, therefore, she has prayed that MA-104 of 2021 also be heard along with the MA-103 of 2021. Let the MA-104 of 2021 be treated as part of today's cause list as item no. 7A. It has been further submitted by the counsel for the applicants that in today's list wrongly the cause title has been typed as Muktipada Mahato & 4 Others v. Secretary, Transport in place of Gautam Das & Others v. State of West Bengal & Others. It is noted that in the Court's file also the cause title has been written as Muktipada Mahato & Others v. State of West Bengal & Others, whereas in the cause title of the application, it has not been mentioned as Gautam Das & Others v. State of West Bengal & Others. Registry is directed to rectify the cause list as well as the Court's copy as Gautam Das & Others v. State of West Bengal & Others.

The instant MA-104 of 2021 has been filed for condonation of delay in filing the MA-103 of 2021 and the reasons for such delay has already been stated in MA-103 of 2021. Therefore, the counsel for the applicants has prayed for condonation of delay.

The instant application has been filed for recalling of the order dated 22.01.2019 and to restore the OA No. 204 of 2016 to its original position. As per the counsel for the applicant, she has been newly appointed by the applicants. Though vide order dated 22.01.2019, OA was dismissed for

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default for non-appearance of counsel for the applicants on and from 05.03.2018, 04.06.2018, 07.08.2018, 14.11.2018 even on 22.01.2019. However, as per the applicants, they were not aware of the said fact and when they had contacted with their erstwhile advocate on 30.09.2021 and asked for the latest position, the erstwhile advocate, after sometimes, returned back the file on 04.10.2021 to the applicants. Thereafter, the applicants immediately contacted the present advocates and upon enquiry, they came to know that the matter was dismissed for default on 22.01.2019 and subsequently they received the certified copy of the order and has filed the instant application for recalling of the order dated 22.01.2019.

As per the applicants, due to the fault of the erstwhile counsel for the applicants, they should not be deprived to approach before this Tribunal. It has been further submitted that unless and until the order dated 22.01.2019 would be recalled, they will suffer irreparable loss and injuries.

Heard both the parties and perused the records.

In view of the above, both the MA-103 of 2021 and MA-104 of 2021 are **allowed**. Delay is hereby condoned. The order dated 22.01.2019 has been recalled and the OA-204 of 2016 is directed to be restored to its original file and number.

Let the OA-204 of 2016 be listed under the heading “**Admission Hearing**” on **30.06.2022**.

**URMITA DATTA (SEN)
MEMBER (J)**

CSM/SS