

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. – MA 103 of 2022 [OA 353 of 2022]

Monojit Bagish -- **VERSUS** – The State of West Bengal & Ors.

Serial No. and
Date of order

01
09.09.2022

For the Applicant : Mr. M.N. Roy,
Mr. G. Halder,
Ld. Advocates.
For the State Respondent : Mr. G.P. Banerjee,
Ld. Advocate.

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 536-WBAT/2J-15/2016 dated 26th August, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

The instant MA has been filed praying for setting aside the speaking order dated 01.07.2022 as the said order has been passed putting a wrong Rule 8(1) of WBSR, Part-I. It has been submitted by the counsel for the applicant that Rule 8 of WBSR, Part-I deals with the issue of condonation of excess of age on first appointment. Therefore, rejection of the case of the applicant under the said Rule is not sustainable. Accordingly, the counsel for the applicant has prayed for staying of the impugned order dated 01.07.2022 as well as extension of interim order passed in the original application. He has further prayed that the MA may be treated as a part of OA.

However, the counsel for the respondent has prayed for some time to file reply both in MA and OA.

Prayer is allowed.

The respondents are directed to file reply both in MA and OA by four weeks and rejoinder, if any, by two weeks thereafter.

I have heard the parties and perused the Rule 8 of WBSR, Part-I, which deals with the condonation of excess of age in first appointment. Therefore, the applicant has prima facie case on merit. Therefore, the interim order already granted by order dated 01.07.2022 is directed to be continued until further order.

Let the matter be listed on **18.11.2022** before the **Registrar Bench** for completion of pleadings.

URMITA DATTA (SEN)
Officiating Chairperson & Member (J)

CSM/SS