

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 23 of 2021(OA 111 of 2020)

MD EKRAMUL HAQUE & ORS. - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Ms. S. Agarwal & Mr. Arjun Roy Mukherjee Advocates
<u>01</u> 19.02.2021	For the State respondents	: Mr. S. Ghosh Advocate

The matter is taken up by the single Bench pursuant to the Notification No.949-WBAT/2J-15/2016 dated 24th December, 2020 issued in exercise of the powers conferred under sub-Section (6) of Section 5 of the Administrative Tribunals Act, 1985.

The instant MA has been filed praying for condonation of delay of 10 months.

However, the Council for the Respondent have raised a preliminary objection misjoinder of parties as the CAS benefit depends upon the individual service tenure and other issues. Therefore, they cannot pray for CAS benefit or encash benefit in a single petition. However, as per the Applicants, since only the Applicant No. 1 was communicated the order dated 27.06.2018 and another order dated 25th April, 2018 to the Applicant No. 1 in a common order dated 27.06.2018. However, rest of the applicants were not communicated about any decision in this regard. Therefore, they were waiting for such a decision and came to aware verbally by the respondents in the early part of 2020. Therefore, there is some delay in filing the original application. The Council for the Applicant have further submitted that since by a common order dated 27.06.2018, the Respondents have taken the decision with regard to all the applicants but communicated the same to the Applicant No. 1 only. Therefore, all of them have a common cause of action and can approach this Tribunal

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challenging the said order dated 27.06.2018. Therefore, the Council for the Applicant has prayed for condonation of delay as they have a good case on merit.

Heard the parties. It is noted that vide order dated 27.06.2018, the Respondents have taken decision with regard to the extension of CAS Benefit to all the 24 applicants in a single order. Therefore, as the Applicants have challenged the said order, they could have file jointly in a single application. Further, as the order dated 27.06.2018 has not been communicated to all the Applicants except Applicant No. 1 and they have a arguable case on merit. Therefore, the delay is condoned and the MA is allowed. The Respondents are directed to file reply by 4(four) weeks, Rejoinder, if any, by 2(two) weeks thereafter. Let the OA be listed on 30.04.2021 under the heading Reply, Rejoinder and Objection.

Urmita Datta(Sen)
Member(J)