

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson and Administrative Member

Case No. –MA 23 of 2024 (OA 773 OF 2023)

SANKAR PRASAD DEY - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. For the Applicant : Mr. Arka Maiti,
and Advocate
Date of For the State Respondents : Mrs. Sunita Agarwal,
order Advocate

3
25.06.2024

The matter is taken up by the single Bench pursuant to the order contained in the Notification No.638-WBAT/2J-15/2016 (Pt.-II) dated 23rd November, 2022 issued in exercise of the powers conferred under section 5(6) of the Administrative Tribunals Act, 1985.

In this application, the applicant has prayed for correction / modification of the order dated March 7, 2024. The counsel, Mr. Arka Maiti has submitted though Mr. Danishuddin Abbasi, learned advocate was present and had prayed for adjournment on his behalf, but it was not granted. It appears from the order in OA-773 of 2023 dated 07.03.2024 while Mr. Abbasi's name was recorded on behalf of the applicant and Mrs. Sunita Agarwal as the State counsel. The following order was recorded on that day :

“On consent of the learned counsels for the parties, the case is taken up for consideration sitting singly.

Heard learned counsels.

Order reserved.”

Mrs. Agarwal, learned counsel has submitted that on 07.03.2024, in presence of Mr. Abbasi, she had made her submissions and it was heard by the learned counsel for the applicant without any objection. Mrs. Agarwal has referred to the order dated 05.01.2024 of the Hon'ble High Court passed in W.P.S.T. 201 of 2023”, wherein the Hon'ble Court directed:-

“The learned Tribunal is also directed to dispose of the original application as expeditiously as possible without granting any unnecessary adjournment to either of the parties.”

It is clear to this Tribunal that on the date this matter was heard, Mr. Danishuddin Abbasi, learned advocate had appeared on behalf of Mr. Arka Maiti. It is not in the records to show that he had prayed for an adjournment. Mr. Abbasi usually represents

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Mr. Maiti in many matters and pleads. The Tribunal does not find any evidence that such adjournment was asked for. In the regular practice of the Tribunal, when learned counsels of both the sides are present, the matter is heard. Only in situations, where the counsel for one side was not present and an advocate on his behalf prays for adjournment giving specific reason, the Tribunal does often grant such adjournments. In this case, it is absolutely clear that the applicant's side was well represented by Mr. Abbasi and he had participated in the proceedings. Further, after the order was recorded, when on 14.03.2024 the matter was finally disposed of by pronouncement of the order in the open court, Mr. A.K. Maiti, learned counsel for the applicant was himself present. In view of the above observations, the Tribunal does not find any merit in this application and the same is disposed of without passing any orders.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON
and MEMBER (A)

SCN.