

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. – MA-242 of 2019, MA-243 of 2019 (OA-2535 of 2006)

Namita Dhabak & Ors VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. G.P. Banerjee,
Mr. S. Chatterjee,
Learned Advocates.

08
22.04.2022

For the State
Respondents : Mr. S. Ghosh,
Learned Advocate.

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 118-WBAT/1E-08/2003 (Pt.-II) dated 11th February, 2022 issued in exercise of the powers conferred under Section 6 (5) of the Administrative Tribunals Act, 1985.

On consent of counsel of both the parties, matter has been taken up.

Affidavit of service has been filed. Let it be kept with the record.

The instant application has been filed praying for substitution of the legal heirs of the applicant No. 1 who died in the year 2011. However, the instant MAs have been filed in the year 2019 only. The counsel for the petitioner has also filed MA for condonation of delay. The legal heirs have also filed application for condonation of delay for preferring substitution petition.

The counsel for the respondent has raised the preliminary objection for granting any relief for such substitution as the substitution petition has to be filed within one year from the death of the deceased applicant. Since the applicant No. 1 died in the year 2011, therefore, the application has to be abated with regard to the applicant No. 1. Counsel for the state has also submitted that as per Order 22 Rule 3 (2) of Civil Procedure Code, 1908, the Court has no power to condone the delay as it has already been abated after the expiry of the period.

However, counsel for the applicant has prayed for one accommodation to satisfy the Court with regard to objection made by the

ORDER SHEET

Form No.

Namita Dhabak & Ors

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The State of West Bengal & Ors.

respondents. Prayer is allowed. Let both the MAs be listed for Orders on
07.06.2022.

URMITA DATTA (SEN)
MEMBER (J)

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