

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

**The Hon'ble Mrs. Urmita Datta (Sen), Member (J) &
Hon'ble Sayeed Ahmed Baba, Member (A)**

Case No. – MA 26 of 2020 and MA 27 of 2020 [OA 853 of 2016]

Subhas Chandra Modak -- **VERSUS** – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. M. Karim,
Learned Advocate.
For the State respondent : Mr. B.P. Roy,
Learned Advocate.

05
25.01.2022

The instant application has been filed praying for condonation of delay in filing of restoration application being MA 26 of 2020. As per the applicant, the counsel for the applicant was not available on 21.06.2019 only. However, the OA was dismissed for default. As per the applicant, the issue involved in the OA is overdrawal of amount from the pensionary benefit since the applicant retired from service and an amount of Rs.1,54,972/- has been deducted from his retiring gratuity. He is having an arguable case, therefore, unless and until the delay would be condoned and the order dated 21.06.2019 would be recalled, the applicant would suffer irreparable loss and injury.

The counsel for the respondent has no objection for recalling of the order dated 21.06.2019 and to submit on the merit of the case.

In view of the above, the delay is condoned and the order dated 21.06.2019 is recalled and the OA is restored to its original file and number.

Accordingly, both the MA-26 of 2020 and MA-27 of 2020 are disposed of.

Let OA-853 of 2016 be listed under the heading “Admission Hearing” on 01.03.2022.

Since for circumstances beyond control, the Registry is unable to furnish plain copies of this order to the learned advocates for the parties, the Registry is directed to upload this order on the website of the Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.

SAYEED AHMED BABA
MEMBER (A)

Mrs. URMITA DATTA (SEN)
MEMBER (J)

CSM/SS