

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

SUBRATA CHANDRA POLLE

LEARNED REGISTRAR

Case No. – MA 35 OF 2022 (OA 909 OF 2018)

SWAPAN KUMAR CHOWDHURY - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

10
05.01.2023

For the Applicant : Mr. Pratip Kumar Chatterjee
Advocate

For the State respondents : Mr. Sankha Ghosh
Advocate

For the Principal Accountant General : Mr. Biswanath Mitra
(A&E) West Bengal (Departmental Representative)

The matter is taken up 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 the Administrative Tribunals Act, 1985 and the Rules framed thereunder.

In substance, the applicant by filing the present application (MA-35 of 2022) has prayed for substitution of her name in place and stead of the original applicant of the Original application (OA-909 of 2018) who has died on 07.07.2021 leaving behind her as his sole legal heir and representative.

In the application, one Swapan Kumar Chowdhury, has prayed for condonation of shortfall in computing qualifying service to get pension upon setting aside the impugned decision dated 21.02.2018 (Annexure-L).

Considering the nature of relief, cause of action survives on death of the original applicant.

Taking into consideration of the pandemic situation specially on and from 15.03.2020 to 28.02.2022, the present application has been filed within the period of limitation.

Mr.S.Ghosh, learned counsel appearing for the State respondents / opposite parties herein has not raised any objection in substituting the name of

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the applicant of MA-35 of 2022 in place and stead of the applicant (Swpan Kumar Chowdhury) of OA-909 of 2018.

True copy of the death certificate indicates that Swapan Kumar Chowdhury died on 07.07.2021. The present application has been filed on 25.03.2022. I have also considered the supplementay affidavit filed today.

In view of the aforesaid facts and circumstances of the case, the application for substitution (MA-35 of 2022) has been allowed.

The office is directed to amend the cause title of OA-909 of 2018 by recording the name of Kalpana Chowdhury in the place and stead of Swapan Kumar Chowdhury since deceased.

The computer data base be also corrected.

The application for substitution (MA 35 of 2022) is accordingly disposed of.

The original application (OA 909 of 2018) be placed before the Hon'ble 3rd Single Bench on 29.03.2022 under the heading 'Hearing'.

A copy of this order be also placed in the case record of OA-909 of 2018.

BLR

(SUBRATA CH. POLLE)
REGISTRAR