

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

**Case No. MA – 37 of 2022 (OA – 424 of 2016)**

**Masud Karim Alam - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No.  
and  
Date of order  
5  
21.07.2022

For the Applicant : Mr. R. Pal,  
Advocate

For the State Respondents : Mr. A. De,  
Ms. R. Sarkar,  
Departmental Representatives  
Land & Land Reforms Department

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 354 – WBAT / 2J-15/2016 dated 18<sup>th</sup> May, 2022 issued in exercise of the powers conferred under Section 6(5) of the Administrative Tribunals Act, 1985.

The applicant has filed one condonation of delay as per the liberty granted by the Hon'ble High Court dated 25.03.2022. Earlier the applicant had filed the O.A., which was dismissed on the ground of limitation with following order:

**“However, the Counsel for the departmental representatives for the respondents have raised the preliminary objection on the point of limitation as the said order dated 07.10.2013 and has already been communicated to the applicant on 10.01.2014 (Annexure-F) and the instant application has been filed on 08.04.2016. Therefore the application is hopelessly barred by limitation. As per the respondent, the father of the applicant died at the age of 58 years. As per the applicant, he made a RTI application to provide him proforma application to fill up and which was served by him. It is noted that the father of the applicant died in**

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**2011 and the case of the applicant has already been rejected on 07.10.2013 and had already communicated to him on 10.01.2014. Therefore the application is obviously barred by limitation as per Section 21 of the Administrative Tribunal Act, 1985. Moreover the father of the applicant died at the age of 58 years and even no application or explanation for condonation of delay has been filed. Accordingly, the OA is dismissed being barred by limitation”.**

which was passed in the presence of the counsel for the applicant as well as Departmental Representative for the respondents. Being aggrieved with, the applicant preferred one WPST No. 22 of 2022 on the ground that the order dated 7<sup>th</sup> October, 2013 was never communicated to the applicant and he had received the order only through the communication letter dated 22<sup>nd</sup> May, 2015 in response to the information sought under the Right to Information (RTI) Act.

However, the Hon’ble High Court vide their order dated 25.03.2022 had remanded back the matter with a liberty to the applicant to file an application for condonation of delay before this Tribunal. Hence the instant application.

I have heard the parties and perused the records. While going through the said letter, communication under RTI, it is noted that by the aforesaid Memo dated 22.05.2015 respondents had communicated the following documents, which is as follows:

“*Sir,*

*In reference to the above mentioned subject, desired report are enclosed herewith (duly attested) in Part-I and Part-II of the proforma.*

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*This is for your information.”*

From the perusal of the above, it transpires that the said RTI communication consists of three documents i.e. one report as was asked by the applicant under RTI as well as proforma application in Part-I and Part-II. Therefore, prima facie, it is observed that no impugned order dated 7<sup>th</sup> October, 2013 was communicated through that Memo dated 22.05.2015. However, the applicant had enclosed the impugned order dated 17.02.2013 in his O.A. During the course of the hearing, the counsel for the applicant, on query, is not in a position to submit how and when he received the said impugned order as evidently the said impugned order was not received by the applicant by the said Memo dated 25.03.2022.

The counsel for the applicant, however, has prayed for one accommodation to take appropriate instruction in this regard.

Let both the O.A. & M.A. be listed on **23.08.2022** under the heading ‘**Admission Hearing**’.

URMITA DATTA (SEN)  
MEMBER (J)

A.K.P.