

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 51 of 2021(OA 02 of 2017)

Shyamali Ghoshal - VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. S. Chakraborty,
Learned Advocate.

15
25.11.2021

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

MA 51 of 2021

The instant MA has been filed praying for condonation of delay in filing the original application. According to the applicant, her husband died at the early age of 39 years leaving behind two minor children and the applicant as widow. Though the applicant had filed plain paper application on 19.11.2008. However, the pro-forma application was submitted 10 months thereafter, i.e. after getting the pro-forma from the respondent side. Since the applicant did not get any financial assistance and was residing in a remote village with her two minor children, there is some delay in filing the original application. The counsel for the applicant has submitted that since there is a merit in the case, the delay may be condoned. The counsel for the respondents has submitted that admittedly there is a delay in filing the OA for whatever the reason.

Heard both the parties and perused the record. As the applicant is having an arguable case on merit, the delay is condoned and MA is allowed.

OA 2 of 2017

The instant OA has been filed challenging the impugned order dated 13.02.2015, whereby the candidature of the applicant was rejected on the ground that the prescribed pro-forma application was submitted after a lapse of more than 10 months from the date of death of the ex-employee . The counsel for the applicant has further submitted that the applicant had submitted the plain paper application before the Block Medical Officer of

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Health, Sainthia, which was received by the authority on 19.11.2008 i.e. after 9 days from the date of death of the ex-employee (annexure D). Further, unless and until, the pro-forma has been supplied to the applicant, she did not get any opportunity to file the pro-forma within the prescribed time of 6 months.

The counsel for the applicant has referred the order dated 05.12.2018 passed in OA 664 of 2016 and prayed for extension of benefit of that order.

The counsel for the respondent has submitted that since the applicant had submitted the proforma application after 10 months therefore, the respondents have rightly rejected her case.

Heard both the parties and perused the records. It is noted that the husband of the applicant died on 10.11.2008 at the age of 39 years leaving behind his widow i.e. the applicant and two minor children. It is also observed that the applicant has preferred representation before the authority in plain paper, which was received by the authority on 19.11.2008 i.e. which is well within six months of time. Therefore, we are agreed with the submission of the applicant that unless and until proforma would be supplied to the applicant, she could not file the proforma application within the stipulated period of time. Therefore, there is some delay on her part. However, as the applicant had already submitted his application in plain paper within stipulated period of six months therefore, the impugned order dated 13.02.2015 is quashed and set aside and the case of the applicant is remanded back to the authority for their reconsideration and the authority is further directed to reconsider her case and communicate the decision within a periods of ten weeks from the date of receipt of the order and communicate his decision by way of a reasoned and speaking order within a

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period of ten weeks thereafter.

Accordingly, the OA is **disposed** of with no order as to costs.

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)**

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