

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Bikash Bhavan, Salt Lake, Kolkata – 700 091.**

**Present-**

**THE HON'BLE SAYEED AHMED BABA, OFFICIATING CHAIRPERSON AND ADMINISTRATIVE MEMBER**

**Case No. – MA-58 of 2020 (OA- 250 of 2020)**

**Swapna Mukherjee & Ors. - Vs - The State of West Bengal & Ors.**

Serial No. and  
Date of order

For the Applicant

:

Mrs. S. Mitra,  
Learned Advocate.

03

03.07.2024.

For the State Respondents

Mr. G.P. Banerjee,  
Learned Advocate.

The matter is taken up by the Single Bench 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 Section 5 (6) of the Administrative Tribunals Act, 1985.

The prayer in this application is for condoning the delay in filing the original application OA-250 of 2020. In the main application, the applicant had prayed for setting aside the impugned order dated 21.03.2013, passed by the respondent authority imposing a punishment of dismissal from service. The final order passed by the Disciplinary Authority was later affirmed by the Appellate Authority on 28.05.2013. Though the impugned order was passed in the year 2013, this application was filed before the Tribunal only on 06.08.2020. The delay of 7 (seven) years in filing the original application is not in dispute. For the reasons given for condonation of such delay, the applicant mentioned "*remoteness of his village in the district of Purulia*". Another reason expressed is "*he had no sufficient and enough time and money to contact with Advocate*". The dismissed employee was a constable with W.B.P. and last posted before dismissal in Asansol, the then Burdwan district.

After having examined the reasons closely, the Tribunal is not in a position to feel satisfied that there was sufficient cause for the applicant not able to file the main application before this Tribunal within one year from the date of his dismissal order was passed. Remoteness of his village and dearth of time and money are not considered as sufficient cause. Therefore, the prayer in this application, devoid of any merit, is not allowed. Accordingly, the M.A. application is disposed of

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**THE STATE OF WEST BENGAL & OTHERS.**

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without passing any orders.

**(SAYEED AHMED BABA)**  
**OFFICIATING CHAIRPERSON AND MEMBER (A)**

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