

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

**Case No. – MA 7 of 2021 & MA 8 of 2021[OA 547 of 2018]**

Shibnath Ghosh - **VERSUS** - THE STATE OF WEST BENGAL & ORS.

|                                 |                          |                             |
|---------------------------------|--------------------------|-----------------------------|
| Serial No. and<br>Date of order | For the Applicant        | : Mr. G. Halder, Ld. Adv.   |
|                                 | For the State Respondent | : Mrs. S. Agarwal, Ld. Adv. |

02  
24.02.2021

The matter is taken up by the Single Bench pursuant to the Notification No. 949-WBAT/2J-15/2016 dated 24th December, 2020, issued in exercise of the powers conferred under sub section (6) of Section 5 of the Administrative Tribunals Act, 1985.

It is observed that the defects have already been removed. Therefore, both the applications have been taken up for admission hearing. MA 7 of 2021 has been filed praying for recalling of the order dated 09.12.2019 passed by this Tribunal by dismissing the O.A for none appearance. However, according to the applicant earlier, the O.A was entrusted with Mr. R.A. Chowdhury, Ld. Counsel, who was suffering from various illness. Therefore, he could not appear before this Tribunal and the OA was dismissed for default.

MA 08 of 2021 has been filed praying for condonation of delay for filing the restoration application. Since the conducting lawyer Mr. R.A. Chowdhury, was suffering with serious illness and ultimately died. Therefore, the applicant was not informed about the dismissal of the OA. Thus, he could not be present or engaged any lawyer to make the application for restoration. Under the above circumstances, the counsel for the applicant has prayed that both the MA's may be allowed. Since the applicant has arguable case on merit and unless and until the MA's would be allowed the applicant will suffer irreparable loss and injuries.

**ORDER SHEET**

Form No.

Shibnath Ghosh

**Vs.**

Case No. **MA 7 of 2021 & MA 8 of 2021**[OA 547 of 2018]

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

The counsel for the respondents has no objection.

In view of the above, delay is condoned and the order dated 09.12.2019 is recalled and OA is restored to its original position. Accordingly, both **MA 7 of 2021 and MA 8 of 2021 are allowed.**

Let the **OA 547 of 2018** be listed under the heading **“Reply/Rejoinder”** on **21.04.2021.**

Mrs. URMITA DATTA (SEN)  
MEMBER (J)

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