

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

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

**Present-**

**The Hon'ble Mrs. Urmita Datta (Sen), Member(J) &  
Hob'ble Sayeed Ahmed Baba, Member (A\_)**

**Case No. – MA-238 of 2019, MA-239 of 2019 (OA-1012 of 2014)**

**Joydeb Rishi Das VERSUS – The State of West Bengal & Ors.**

Serial No. and Date of order	For the Applicant	: Mr. A.K. Niyogi, Learned Advocate.
<u>07</u> 05.10.2021	For the State Respondent	: Mr. S. Ghosh, Learned Advocate.

Affidavit of service has been filed. Let it be kept with the record. The instant MA-238 of 2019 has been filed praying for recalling of the order dated 16.04.2019 which was dismissed for default. As per the applicant, thereafter he has engaged another lawyer i.e. the present counsel for the applicant directing him to make an application for restoration. However, the counsel for the applicant has submitted that due to some personal difficulty he could not file restoration application within time. Therefore, there is a delay for filing the restoration application. Another MA being No. MA-239 of 2019 has been filed praying for condonation of delay in filing the restoration application.

The counsel for the applicant has submitted that due to his fault the application for restoration has been filed belatedly. Therefore, the applicant should not suffer due to laches of the counsel. Since the issue involvement is punishment in the departmental proceeding, therefore, the delay may be condoned.

The counsel for the respondent has no objection to such proposition.

Accordingly both the MAs are allowed. Order dated 16.04.2019 is recalled and restored in its original position. The counsel for the applicant has also prayed for leave to file one supplementary application by two weeks. Prayer is allowed. Let the matter listed for admission hearing on 14.12.2021.

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Since the 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)

URMITA DATTA (SEN)  
MEMBER (J)

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