

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. –OA 138 OF 2023

SADHAN CHANDRA DAS - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. For the Applicant : Mr. P. Halder,
and Advocate
Date of For the State Respondents : Mr. G.P. Banerjee,
order Advocate

6
16.04.2024

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.

On consent of the learned counsels for the parties, the case is taken up for consideration sitting singly.

The applicant has prayed for a direction to the respondent authorities to clear his withheld salaries. As it appears from the submissions of the learned counsels and the papers in this application, the applicant working as a Clerk under Block Development Officer, Mathurapur-II, South 24-Parganas was issued a show cause and ordered several times by the BDO to join his duties in the office. Since the applicant neither joined the office nor appears to have submitted any letter before the BDO stating the reasons for his absence, the respondent BDO was compelled to lodge an FIR in the local police station. It also appears from such letters of the BDO that due to his absence, there was serious disruption in making payments to various stakeholders. The show cause letter was issued on 16.11.2012. On 31.12.2012 the concerned BDO issued letter to stop payment from salary account of the applicant. The applicant filed this application before this Tribunal on 24.02.2023, which is after a lapse of more than ten years.

Mr. P. Halder, learned counsel for the applicant submits that “due to wrong advice of his erstwhile learned Advocate, the petitioner wrongly filed an application under Article 226 of the Constitution of India before the Hon'ble High Court”. The Hon'ble High Court observed “the question which arises is whether the petitioner is an employee of the State government or of the Panchayati Raj

ORDER SHEET

Form No.

SADHAN CHANDRA DAS

Vs.

Case No. - OA 138 OF 2023

THE STATE OF WEST BENGAL & ORS.

institution”.

Mr. Banerjee, learned counsel for the State respondents submits that this application has been filed by the applicant after a lapse of 11 years from the date of the order dated 19.11.2012 issued by the BDO.

Having heard the submissions of the learned counsels and perusing the records in this application, the Tribunal observed that the applicant could not explain sufficient reason for lapse of more than 10 years in filing this application. The Tribunal is of the view that as per Section 5 of Limitation Act 1963, there is no sufficient cause to interfere in this application. Therefore, this application is disposed of without passing any order.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON
and MEMBER (A)

SCN.

WEST BENGAL ADMINISTRATIVE TRIBUNAL