

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 154 OF 2023

SHAMBHUNATH NASKAR - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and
Date of order

For the Applicant : Mr.G.Mustafa
Advocate

03
26.09.2023

For the State Respondents : Mr.Goutam Pathak Banerjee
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.

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

The prayer in this application is for restraining the respondents from giving any effect to the impugned order in Memo. No. 2629/1(1)/TET/IC-3T/2012 dated 20.09.2013 passed by the respondent No. 2. In the impugned order, the monthly remuneration of the applicant was fixed. The applicant was engaged as a part-time Night Guard at Palta Extension Shelter and subsequently his remuneration was enhanced to Rs. 2,000/- per month after being promoted as Clerk-cum-Typist-cum-Caretaker.

Attention is drawn to pages 40 to 42 which is an order of the Hon'ble High Court passed on 16.09.2022 in WPCRC 156 (W) of 2016 in WPST 342 of 2013 (Shri Shambhunath Naskar Vs. Dr. Parijat De & Anr.). It is evident from the order that one contempt application with CPAN 2111 of 2013 was dismissed giving liberty to the applicant to approach this Tribunal for its decision of the impugned order dated 20.09.2013, if admissible in law.

Mr.G.P.Banerjee, learned counsel appearing on behalf of the

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State respondents submits that this application is barred by limitation due to the reason that the impugned order being challenged in this application was passed by the respondents way back in the year 2013. This application for challenging this impugned order was filed in this Tribunal on 03.03.2023. Responding on the question of admissibility of this application due to limitation, Mr. Mustafa, learned counsel for the applicant submits that the impugned order was not communicated to the applicant within the time.

Having heard the learned counsels for the parties and considering the matter closely, the reason for delay as stated by the applicant is neither satisfactory nor are valid reasons, hence, this application is disposed of on the ground of limitation.

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

BLR