

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 184 of 2024

Dibakar Kundu - Vs - The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. K. Ardan Ali,
Learned Advocate.

01
22.04.2024

For the respondents None.

For the P.S.C., W.B. Mr. S. Bhattacharjee,
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.

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

Affidavit of service filed, be kept with the record.

The applicant has prayed for a direction to P.S.C to empanel and recommend his name for the post of Revenue Inspector under M.S.P. category. The Commission published an advertisement for recruitment to different posts including the post of Revenue Inspector in which the applicant had applied and participated. After completion of the recruitment process, the Commission published the final merit list on 24.08.2021. Not finding his name in the list of successful candidates, the applicant applied for response under R.T.I. Act on 31.08.2021. The concerned authority under R.T.I. Act has not yet responded to such R.T.I. application.

Appearing on behalf of the Commission, Mr. Bhattacharjee points out that the State of West Bengal has not been made a party respondent. Liberty is given to the applicant's side to amend the cause title suitably. Mr. Bhattacharjee also argues that this application is not admissible due to limitation. Such limitation to admit this application is due to the fact that the final merit list was published by the Commission on 24.08.2021 whereas the applicant approached this Tribunal by filing

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this application on 09.04.2024. The reason for delay as stated in the application is due to Covid-19 Pandemic and relying on an order of the Hon'ble Supreme Court, it is assumed that there was no delay. Mr. Bhattacharjee points out that such order of the Hon'ble Court had covered the Covid-19 period up to February, 2022 only whereas the application was filed in the month of April, 2024, clearly after two years from such order of the Hon'ble Apex Court.

Learned counsel for the applicant also submits that though the advertisement clearly indicated that 10 (ten) posts under MSP category would be reserved for the post of Revenue Inspector but the final merit list shows names of only 7 (seven) candidates under MSP category. As regards the point of limitation, Mr. Ardan Ali informs that the Commission had further published the second merit list at a subsequent date. Therefore, the question of limitation should be counted from the date of publication of the second merit list. He prays for liberty to file copy of the second merit list by the next date.

Let the matter appear under the heading Admission Hearing on **29.08.2024**.

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

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