

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

Mr. Sayeed Ahmed Baba, Officiating Chairperson and Hon'ble Member (A).

Case No. – OA 291 of 2017.

TARAK DAS- VERSUS-THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

08
17.01.2024.

For the Applicant : Mr. S. Bhattacharjee,
Learned Advocate.
For the State respondents : Mrs. S. Agarwal,
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 parties, the case is taken up for consideration sitting singly.

The prayer in this application is for setting aside the impugned order dated 27.5.2015. By this order, the applicant was dismissed from service. After completion of the disciplinary proceedings, the disciplinary authority, being the Deputy Commissioner of Police, 5th Battalion, Kolkata Armed Police passed the final order dated 27.5.2015 and as punishment, he was dismissed from the service of Kolkata Police Force. Earlier, this application, due to non appearance on behalf of the applicant on four consecutive dates of hearing, was dismissed for default on 17.9.2018.

By an application praying for recalling this order, the Tribunal allowed the application to be restored.

It is revealed from the records that the final order, which is being challenged in this application was passed on 27.5.2015. Neither the dismissed employee preferred any appeal before the appellate authority, nor did he file an application before this Tribunal within the prescribed time limit.

After hearing the submissions and considering the application in proper

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perspective, the Tribunal is not satisfied with the cogent reasons given for the delay caused in filing this application. There does not seem to be any compelling reason for the applicant not to have filed such application in the Tribunal within the prescribed time. This Tribunal is also aware that the applicant's side had failed to appear on four consecutive dates between 16.4.2018 and 17.9.2018.

This Tribunal from the above observation and not being satisfied with the admissibility of this application disposes of this application being OA 291 of 2017 without passing any order.

(SAYEED AHMED BABA)
Officiating Chairperson and Member (A).

Sk.