

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

Case No. – OA 30 of 2023

Vagirath Barman -- **VERSUS** – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicant	: Mr. M. Islam, Mr. S.N. Ray, Ld. Advocates.
<u>02</u> 17.03.2023	For the State respondent	: Mr. M.N. Roy, Ld. 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.

Affidavit of service filed be kept on record.

The prayer in this application is for setting aside the impugned order No. 954 dated 15.06.2019 and restore the service of the applicant. Before the application is admitted, it is evident that the impugned order which the applicant is challenging was issued to him on 15.06.2019 and this application was filed in this Tribunal on 16.01.2023. Therefore, the point of limitation is to be considered first.

Appearing on behalf of the respondent, Mr. M.N. Roy, learned counsel points out that the applicant who was issued the final order of dismissal from service did not prefer an appeal before the appropriate appellate authority. This leads to the conclusion that the applicant before approaching the Tribunal did not exhaust the remedy available to him.

After hearing the learned counsels and considering the fact that the above two issues are to be considered, the application is not admitted and thus, **disposed of.**

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

CSM/SS