

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 440 of 2022

**Chandan Thakur -- VERSUS – The State of West Bengal & Ors.**

Serial No. and  
Date of order

For the Applicant : Mr. Debansu Ghorai, Ld. Advocate.

For the State respondent : Mr. S.N. Ray, Ld. Advocate.

06  
24.08.2023

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 23<sup>rd</sup> 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 applicant has prayed for a direction to the respondent to allow him to resume his duties. The applicant had worked as a part-time barber inside the Correctional Home, Bolpur, Birbhum. It appears from the RTI reply dated 14.12.2021, the applicant's service was dispensed for the reason that he had absented his duties during the entire month of February, 2017. Since such a service is the daily requirement in a Correctional Home, the administration engaged another part-time barber and he has been working continuously since March, 2017.

Submission of Mr. D. Ghorai, learned counsel for the applicant is that such a termination without any opportunity of hearing after having served the authority for more than 22 years is an arbitrary and inhuman act. Mr. Roy, learned counsel opposes the admissibility of this application due to point of limitation.

After hearing the submissions of the learned counsels, the Tribunal is of the view that this application is not admissible on the ground that such discontinuation of service occurred in the month of February, 2017. As per his statement, the applicant had been absenting since 01.03.2016. This prayer for a direction to the authorities to allow him to resume through this application filed in 2022, after a lapse of 5 years is barred by limitation. Further, the post of a part-time barber is not a civil post in which the Tribunal has determination and can direct the respondent authorities.

In view of the above two reasons, this application is **disposed of** without any orders.

**SAYEED AHMED BABA**  
**Officiating Chairperson & Member (A)**

CSM/SS