

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Mrs. Urmita Datta (Sen), Member(J)

Case No. – OA-470 of 2018

Milli Chakraborty (Ghosh) VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Ms. R. Paul,
Learned Advocate.

For the State : Mrs. S. Agarwal,
Respondents Learned Advocate

08

13.05.2022

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 118-WBAT/1E-08/2003 (Pt.-II) dated 11th February, 2022 issued in exercise of the powers conferred under Section 6 (5) of the Administrative Tribunals Act, 1985.

On consent of both the parties, matter has been taken up.

Today, the counsel for the applicant has brought the order dated 17.07.2013 whereby the case of the applicant was dismissed for default and against that order neither any application for recalling of the order was made nor any writ petition has been preferred against the said order passed in OA -992 of 2012. Therefore, the said order has attained finality.

The counsel for the respondent has further submitted that the applicant herself admitted that she was not interested at that point of time to pursue the case. Therefore, none appeared of behalf of her during that time. The counsel for the respondent has further submitted that the case of the applicant was rejected vide order dated 22.03.2017, which has not been ever challenged by the applicant in this application. Therefore, the application is liable to be dismissed on this ground. Further, the applicant has filed this application in 2018 suppressing the said fact.

Heard the parties and perused the records.

It is noted that the applicant had earlier approached this Tribunal under No. OA-992 of 2012, which was dismissed for default vide order dated 17.07.2013 observing the following :-

ORDER SHEET

Form No.

Milli Chakraborty (Ghosh)

Case No. **OA-470 of 2018**

Vs.

The State of West Bengal & Ors.

“None moved the petition on call. Petitioner was also found absent on the earlier occasion, showing his reluctant to pursue the matter. The application is dismissed for default”.

Against the aforesaid order, the application neither had filed recalling of the said order nor had prayed any writ petition. Even she has admitted that as there was no merit in her case, therefore, she did not pursue her case and the aforesaid was dismissed for default.

Further, the case of the applicant was considered by the respondents and was rejected on the ground that the applicant was not eligible as dependent family member as she was married and her husband is in service.

In view of the above, I do not find any reasons to entertain the application as the instant application is barred by resjudicata even on merit. Accordingly, OA is dismissed being barred by resjudicata.

URMITA DATTA (SEN)
MEMBER (J)

sc