

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 495 of 2024.

VAGIRATH BARMAN - VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

01
11.11.2024

For the Applicant : Mr. G.P. Banerjee
Learned Advocate.
For the State Respondents : Mr. M.N. Roy,
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.

Affidavit of service filed today be kept on record.

The applicant has filed this application praying for setting aside the impugned order dated 14.8.2023. By this Memo, the Respondent authority communicated the applicant enclosing copy of the appellate order. The Appellate authority in its order dated 14.8.2023 dismissed his appeal for condonation of delay in preferring the appeal belatedly. Earlier, by an order of the Disciplinary Authority on 15.06.2019, the applicant, a “Sepoy” was dismissed from service after conclusion of the disciplinary proceedings. Though the applicant had the privilege of filing an appeal before the Appellate Authority but failed to do so. Instead, he approached this Tribunal for remedy by filing OA No. 30 of 2023. The Tribunal disposed of this application without any orders. Thereafter, he approached the Commissioner of Police, the Appellate Authority by filing a representation dated 02.08.2023 praying for setting aside the final order passed by the Disciplinary Authority. The final order as indicated above was passed on 15.06.2019 imposing a punishment of dismissal from service. Though the Appellate Authority was not duty bound but considered the appeal by dismissing the prayer for condonation of delay in filing the appeal without having reasonable ground.

After hearing the learned counsels of both sides and after examination of the records, the Tribunal does not find any satisfaction to consider the prayer in this application. As is evident from the description above, the applicant, as a charged officer, failed to prefer an appeal before the Appellate Authority within the permissible time. Instead later after four years, he approached this Tribunal for remedy. The Tribunal

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rightly did not consider such appeal and had dismissed the application. The Tribunal also finds correct the decision of the Appellate Authority in not entertaining his representation for his failure to file such an appeal within the permissible time. In short, the Tribunal does not find any merit in this application and is disposed of without any orders.

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

Skg/SM.