

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. – RA 8 of 2022 [OA 944 of 2018]

Shri Binoy Rai -- **VERSUS** – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. D.K. Mukherjee, Ld. Advocate.

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

05
24.03.2023

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 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 review of the Tribunal's Order in M.A. 16 of 2019 dated 25.04.2022 in which the prayer for condonation of more than 11 years delay was not allowed.

Mr. Ray relying on the Order XLVII, Rule 1 of the CPC submits that this review application is not admissible because no new facts had been submitted. Mr. Ray also refers to the EMP – 26 Notification 10(a)(a) dated 1st March, 2016, in which belated application of up to 5 years can be considered on certain conditions.

In an order dated 25.04.2022, the Tribunal had rejected the prayer for condonation of delay in submitting the original application before the Tribunal. The father of the applicant died as Resham Karmee on 09.10.2007 and the application before the Tribunal was filed in 2018, after a lapse of 11 years. In this application, the prayer is for reviewing the order of the Tribunal in MA 16 of 2019 and thus, condoning the delay of 11 years in filing the original application before the Tribunal.

After hearing the submissions of the learned counsels and considering the facts of the case, the Tribunal is not satisfied with the grounds for reviewing the order passed in MA 16 of 2019 rejecting the condonation of delay of 11 years. Neither in this application nor in the earlier application, the learned counsel has been able to substantiate and satisfy the Tribunal that without any fault of the applicant the delay of 11 years had occurred. Therefore, this application is not considered.

According, the matter is **disposed of**.

CSM/SS

SAYEED AHMED BABA
Officiating Chairperson & Member (A)