

**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 9 of 2022 [OA 916 of 2018]**

*Shri Santosh Chhetri* -- VERSUS – The State of West Bengal & Ors.

Serial No. and For the Applicant : Mr. D.K. Mukherjee, Ld. Advocate.

Date of order For the State respondent : Mr. S. Ghosh, 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 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.

Affidavit of service filed be kept on record.

The prayer in this application is for review of the Tribunal's Order in M.A. 14 of 2019 dated 11.04.2022 and 25.04.2022 in which the prayer for condonation of more than 7 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 1<sup>st</sup> March, 2016, in which belated application of up to 5 years can be considered on certain conditions.

The prayer for condonation of delay prayed for by the applicant was not allowed in MA 14 of 2019 since the applicant had failed to substantiate and satisfy the Tribunal for the delay occurred. From the OA 916 of 2018, it appears that the applicant as the son of the deceased employee had not furnished any application, even a plain paper, before the respondent. This is evident from his application in which at no place he has mentioned of having submitted an application, nor any copy of such application enclosed in the application. Therefore, the question of reviewing the order in MA 14 of 2019 does not arise. The delay in filing the OA 916 of 2018 after the death of his father of about 7 years cannot be condoned without valid grounds.

Accordingly, the application is **disposed of**.

CSM/SS

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