

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-****The Hon'ble Smt. Urmita Datta (Sen), Member (J)****& The Hon'ble P. Ramesh Kumar, Member (A)****Case No OA - 153 of 2016 (TA – 8 of 2004)****Tapan Kumar Neogy –Vs- The State of West Bengal & Others.**

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
<p style="text-align: center;"><u>14</u> 04.01.2019</p>	<p><i>For the Applicant : Mr. S. Saha, Advocate.</i></p> <p><i>For the Respondents : Mr. G.P. Banerjee, (Proxy counsel)</i></p> <p><i>The instant application has been filed praying for recalling of the order dated 11.03.2010 passed in T.A. – 8 of 2004. However, the instant M.A. has been filed on 5th September, 2016 only for recalling of the order dated 11.03.2010. The applicant has filed another M.A. on 29th June, 2017 for condonation of delay. As per the applicant, he was not aware of the transfer of the instant application. Therefore, he could not be represented by the Advocate. However, it is noted that application has initially filed C.R. 1950(W) of 1993 before the Hon'ble High Court. However, vide order dated 06.11.2003 Hon'ble High Court had transferred the matter to this Tribunal for want of jurisdiction when the counsel for the applicant was very much present. Subsequently, the said application was registered as T.A. 8 of 2004 before this Tribunal. However, none repeatedly appeared for the applicant and on 11.03.2010 this Tribunal had passed the following order :</i></p> <p style="text-align: center;"><i>“We may refer to our order dtd. 4th</i></p>	

ORDER SHEET

Tapan Kumar Neogy

Form No.

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A.K.P.	<p><i>February, 2010. As petitioners are not appearing in this matter in spite of notice, having regard to the relief sought for in the original application. We hold that at this stage, the application has become infructuous. We, therefore, dispose of this application."</i></p> <p><i>From the perusal of the afore-mentioned order it is noted the representative of the applicant did not appear in spite of notice. Thereafter, they have filed the instant M.A. 153 of 2016 and on 10.01.2017 the same counsel appeared and has prayed for some time. Therefore, since the counsel for the applicant is present from the very date of the transferring of the order and subsequently also considerable time has already been lapsed and we are not satisfied with the ground of delay to file the M.A. and recalling of the order. Accordingly, both the M.A.s are rejected.</i></p> <p>P. RAMESH KUMAR MEMBER (A)</p> <p>URMITA DATTA (SEN) MEMBER (J)</p>	