

**ORDER SHEET**  
**West Bengal Administrative Tribunal**

Present.-  
The Hon'ble Justice Ranjit Kumar Bag  
&  
The Hon'ble Dr. Subesh Kumar Das

Case No. **MA-166 of 2019 along with OA-953 of 2018**

Dipak Samanta

Versus

The State of West Bengal & Ors.

Serial No. and  
date of order

Order of the Tribunal  
with signature

Office action with date  
and dated signature of  
parties when necessary.

1

2

3

05  
16/12/2019

**For the Applicant** : Ms. G. Biswas,  
Learned Advocate.

**For the State Respondent : N O N E.**

The applicant has prayed for condonation of delay of 538 days in filing the original application, whereby the applicant has prayed for grant of promotion to the cadre of U.D.C. w.e.f. May 23, 2001 on which date both the private respondents got the promotion to the cadre of U.D.C.

None appears on behalf of the state respondents inspite of service of notice. Learned Counsel for the applicant contends that the applicant could not collect all the documents for filing the original application before this Tribunal and as such the delay took place in approaching the Tribunal. She further submits that the applicant filed the first application under the provisions of Right of Information Act for collection of documents on July 20, 2011 and the applicant submitted first representation praying for promotion to the cadre of U.D.C. w.e.f. May 23, 2001 on February 15, 2012.

On consideration of the contents of original application and the Miscellaneous Application, we find that the applicant is aggrieved for not granting him promotion to the post of U.D.C. w.e.f. May 23, 2001 on which date both the private respondents no. 4 & 5 were granted promotion to the cadre of U.D.C. The specific contention of the applicant is that he is senior to both the Private Respondents No. 4 & 5. No

**ORDER SHEET – (Continuation)**

Form No.

Dipak Samanta  
.....

Vs

The State of West Bengal & Others.  
.....Case No. **MA-166 of 2019 along with OA-953 of 2018**

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
Csm	<p>explanation is forthcoming before us as to why the applicant submitted first representation in connection with his promotion before the authority concerned after expiry of almost eleven (11) years i.e. on February 15, 2012. Nor is there any explanation as to why the applicant submitted the first application for collection of the necessary documents from the authority concerned by filing appropriate application under the provisions of Right to Information Act after expiry of almost ten (10) years i.e. on July 20, 2011. In the absence of any explanation as to why the applicant remained silent for about 10 (ten) to 11 (eleven) years without taking any action in connection with his promotion, we are constrained to hold that the applicant has miserably failed to explain the delay of almost 17 (seventeen) years from the year 2001 for approaching this Tribunal and as such the original application is clearly barred u/s 21 of the Administrative Tribunals Act, 1985.</p> <p>As a result, both the Miscellaneous Application and the original application are <b>dismissed</b>.</p> <p>Let an <b>urgent Xerox Certified Copy</b> of the order, if applied for, be supplied to either of the parties on priority basis, subject to fulfillment of all necessary formalities.</p> <p style="text-align: center;"><b>S. K. DAS</b> <b>MEMBER(A)</b></p> <p style="text-align: center;"><b>R. K. BAG</b> <b>MEMBER(J)</b></p>	