

ORDER SHEET
West Bengal Administrative Tribunal

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

Case No. **MA-235 of 2019 (RA 10 of 2019)**

The Chief Secretary to the Government
of West Bengal & Ors.

Versus

Confederation of State Government
Employees, West Bengal & Ors.

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;">02 09/12/2019</p>	<p>For the Review Petitioner : Mr. K. Dutta, Learned Advocate General Mr. G.P. Banerjee, Mr. B.P. Roy, Mr. Sidhartha Ghosh, Learned Advocates.</p> <p>For the Respondent No. 1 & 3 : Sardar Amjad Ali, Learned Senior Advocate. Masum Ali Sardar, Learned Advocate.</p> <p>For the Respondent No. 2 : Mr. S. Dasgupta, Mr. B. Banerjee, Learned Advocates.</p> <p>For the Respondent No. 2A : Firdous Samim, Learned Advocate.</p> <p>Liberty is given to the advocate on record for the applicants of the Miscellaneous Application to amend the cause-title of Miscellaneous Application for impleading Swapan Kumar Dey as respondent no. 2A in the Miscellaneous Application in course of this day. Since notice and copy of the Miscellaneous Application have already been served on the said added respondent, the further service of notice is dispensed with.</p> <p>The applicants have prayed for condonation of delay of 67 days in filing Review Application being RA-10/2019, whereby the applicants have prayed for</p>	

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	<p>review of the Judgment and order passed by this Tribunal on July 26, 2019 in OA No. 1154/2016.</p> <p>The contents of the Miscellaneous Application disclose that the applicants applied for certified copy of the Judgment and order passed in OA-1154/2016 on August 20, 2019 and the certified copy was obtained on August 21, 2019. The contention of the applicants is that the Judgment and order passed by the Tribunal in the original application is of grave importance and the same would cause heavy burden on the State Exchequer and thereby the Judgment was placed for consideration at various levels of the State Government. It is further contended on behalf of the applicants that on September 02, 2019 legal opinion was sought for with regard to the Judgment delivered in the original application. The applicants again had consultations at various levels before drafting of the review application which was ultimately filed before this Tribunal on October 31, 2019.</p> <p>With the above factual matrix disclosed in the Miscellaneous Application, Mr. Kishore Dutta, Learned Advocate General contends that the Tribunal should take liberal view of the provisions of Section 5 of the Limitation Act in order to condone the delay in</p>	

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	<p>filing the review application, as the Judgment will not only have ramifications on the employees of the State Government, but will also cast heavy burden on the State Exchequer. On the other hand, Sardar Amjad Ali, Learned Senior Counsel appearing on behalf of the respondents no. 1 & 3 has urged this Bench to consider that the issue of burden on the State Exchequer has already been considered by this Bench in the Judgment delivered in the original application. He further contends that no objective criteria have been put forward for consideration of the sufficient cause for condonation of delay in the Miscellaneous Application filed by the applicants. He also submits that no explanation was given by the applicants as to why they waited for about 24 days in submitting application to obtain the certified copy of the Judgment and order passed by this Tribunal in the original application. The gist of submission of Mr. Ali is that the delay has not been explained on day to day basis and as such the delay should not be condoned by this Tribunal. We have also heard Learned Counsel representing the other respondents who have reiterated the points urged by Mr. Ali for rejection of the prayer of the applicants.</p> <p>Having heard Learned Counsel representing both</p>	

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Csm	<p>the parties and on consideration of the contents of the Miscellaneous Application, we would like to take a liberal view of the provisions of Section 5 of the Limitation Act in order to condone the delay in filing the Review Application by the applicants. Since valuable right has already been accrued in favour of the applicants for non-implementation of the Judgment and order passed by the Tribunal in the original application resulting in pendency of two (02) separate contempt applications, we are inclined to hear the review application before dealing with the contempt applications filed by the applicants of the original application. The above observations lead us to hold that the delay in filing the review application has been explained to our satisfaction and as such the Miscellaneous Application is allowed. The delay in filing the review application is, thus, condoned. The Miscellaneous Application stands disposed of.</p> <p>Let a Plain Copy of the order be supplied to all the parties.</p> <p>S. K. DAS MEMBER(A)</p> <p>R. K. BAG MEMBER(J)</p>	