

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

The Hon'ble Urmita Datta (Sen) Member (J) &
Hon'ble P. Ramesh Kumar, Member (A)

MA-83/2018 (OA-1077/2017)

Shrabanti Das

Vs

The State of 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><u>02</u> 20.09.2018</p>	<p>For the applicant : Mrs. Sonali Mitra, Learned Advocate.</p> <p>For the respondent : Mr. G.P. Banerjee Learned Advocate.</p> <p>The instant MA application has been filed praying for condonation of delay of 2675 days. As per the applicant, Assistant Secretary to the Govt. of West Bengal vide his communication dated 31.01.2009 had asked for present financial report of the applicant and she was on the hope that they are considering her case. Therefore, she awaited for long time and thereafter approached this Tribunal.</p> <p>The counsel for the respondent has vehemently objected for condoning the delay. The counsel for the respondent has drawn our attention to the communication dated 04.05.2007 whereby her case was not recommended by the enquiry committee being found her solvent in financial issue. However, it was forwarded to the higher authority for their approval. It has been further submitted by the respondents that the said order was also communicated to the applicant. Therefore, the applicant was well aware about the</p>	

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02 20.09.2018	<p>findings of the enquiry committee, which she has also not challenged in this instant application.</p> <p>Heard the parties and perused the record. It is noted that father of the applicant died on 19.04.2004, thereafter her case was considered, however, vide order dated 04.05.2007, her case was not found fit for recommendation, which was also communicated to her holding inter alia :-</p> <p><i>“ Further it is noted that to consider the case the District Controller (F & S), Dakshin Dinajpur was requested to expedite the enquiry of the application submitted to him. The original prayer and all necessary documents which were submitted by the petitioner to the office of the District controller, Dakshin Dinajpur have been received by Dte. Alongwith the proforma enquiry report from the office of the District Controller (F & S) meanwhile. The case had not specifically been recommended by the enquiry team considering financial solvency of the petitioner. The Director has examined the case, found no ground for considering the case</i></p>	

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<p style="text-align: center;">02 20.09.2018</p> <p style="text-align: left;">sc</p>	<p><i>favourably. So endorsing the views of the enquiry team the case has been forwarded to the Government, Food & Supplied Department, the highest authority, vide this Directorate No. 1317/FA/3A-23/06 dated 17.04.2007 for its scrutiny and consideration. “</i></p> <p style="text-align: center;">As the Secretary of the concerned Department is the highest authority to take the final decision on the basis of fact finding enquiry committee, the enquiry committee report was communicated to the said authority for final decision. However, the applicant was aware of her case in the year 2007 itself. Therefore, filing this application after a long gap of ten years, hoping for any improvement, is not sufficient ground to condone the delay for filing the instant application.</p> <p style="text-align: center;">In view of the above, MA is dismissed. Accordingly, OA is also dismissed with no order as to costs.</p> <p style="text-align: center;">P. RAMESH KUMAR MEMBER(A)</p> <p style="text-align: center;">URMITA DATTA (SEN) MEMBER (J)</p>	

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