

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

Present.-  
The Hon'ble Mrs. Urmita Datta (Sen)  
&  
The Hon'ble Dr. A. K. Chanda

Case No. **MA - 147 of 216 & MA - 148 of 2016 (CCP-109 of 2013)**

*Mr. Atri Bhattacharyya, IAS, the Principal  
Secretary, Home (Police) Department,*

*Subhas Chandra Chanda*

*Versus Government of West Bengal.*

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
<u>04</u> 27/02/2018	<p><b>For the Applicant</b> : <i>Mr. Barindra Narayan Ray, Advocate.</i></p> <p><b>For the State Respondents</b> : <i>N O N E.</i></p> <p style="text-align: center;"><b><u>MA - 147 OF 2016</u></b></p> <p><i>The instant MA - 147 of 2016 has been filed praying for recalling of the order dated 11.01.2016 for condoning the delay for 226 days.</i></p> <p><i>According to the applicant, he has filed one contempt petition being number CCP 109 of 2013 for implementation of the order dated 27.06.2012 passed in OA 491 of 2010. In the said contempt petition, the Counsel for the contemnors has filed one compliance report and after going through the said report and being satisfied this Tribunal had dropped the contempt petition, against which, the applicant filed one MA No. 7 of 2015 praying for an opportunity to explain that the so called compliance should not be accepted as compliance. However, the said MA 7 of 2015 was dismissed for default vide order dated 11.01.2016. Being aggrieved, the applicant has filed the instant MA.</i></p> <p style="text-align: center;"><b><u>MA - 148 OF 2016</u></b></p> <p><i>In the MA - 148 of 2016, the applicant has</i></p>	

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	<p><i>submitted that he was badly engaged in other matters before the Hon'ble High Court, Calcutta. Therefore, he could not appear before this Tribunal. Thereafter, the file of instant case was misplaced. Therefore, restoration application could not be made by the applicant within time. Thus the delay for 226 days, which is not intentional one, be condoned and the instant MA be allowed by condoning the delay of filing of the MA 147 of 2016.</i></p> <p><i>The MAs have been filed praying for recalling of the order dated 11.01.2016 and restoration of the MA 7 of 2015 respectively.</i></p> <p><i>Heard the applicant and perused the records.</i></p> <p><i>It is noted that after going through the compliance report and being satisfied, this Tribunal had dropped the contempt petition in presence of both the parties i.e. Mr. R. A. Chowdhury, the Counsel for the petitioner and Mr. S. N. Roy, the Counsel for the contemnor. Therefore, it cannot be said that no opportunity was granted to the applicant to make appropriate submission for making objection to the compliance report.</i></p> <p><i>After going through the different orders on record with regard to the MA 7 of 2015, it is noted</i></p>	

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	<p><i>that the applicant was not present 23.09.2015 onwards till 11.01.2016, when this Tribunal dismissed the application for default for non appearance of the applicant. Therefore, the plea, on the part of the applicant, that due to his engagement before the Hon'ble High Court, Calcutta on that day he could not appear before this Tribunal, is not tenable. Since the contempt was dropped in presence of the Counsel for the applicant and the Counsel for the applicant was not appearing for consecutive dates, therefore, the Tribunal has dismissed the contempt petition for default, after granting him proper opportunity on different days and on 11.01.2016 also he was again absent on call and therefore MA 7 of 2015 was dismissed for default.</i></p> <p><i>In view of the above, we do not find any reason to entertain the aforesaid two MAs by allowing the prayer of the applicant. Accordingly, both the MAs are dismissed.</i></p> <p><b>Dr. A. K. CHANDA</b> <b>MEMBER(A)</b></p> <p><b>URMITA DATTA (SEN)</b> <b>MEMBER(J)</b></p>	

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