

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

The Hon'ble Mrs. Urmita Datta (Sen), Member (J)

The Hon'ble Mr. P. Ramesh Kumar, Member (A)

Case No – MA-175 & 176 of 2019 (OA-794 of 2017).Nagendra Gurung 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>01</p> <p>-----</p> <p>18-09-2019</p>	<p>For the Applicant : Mr. M. Karim, Advocate.</p> <p>For the State Respondents : Mrs. S. Bandyopadhyay, Advocate.</p> <p>Affidavit of service has been filed be kept on record.</p> <p>The instant application has been filed praying for condonation of delay as well as recalling of the original application which was dismissed for default on 04-05-2018. As per the Counsel for the applicant, earlier Counsel for the applicant could not appear before this Court for consecutive occasions. Therefore the case was dismissed for default. However the instant application for recalling of the order has been filed after 461 days.</p> <p>The Counsel for the respondent has vehemently objected for condonation of delay as well as recalling of the order dated 04-05-2018.</p>	

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NagendraGurung

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	<p>As per the Counsel for the respondent, the grounds for delay are not at all convincing. Further the applicant having a good case on merit. Therefore there is no purpose to condone the delay.</p> <p>We have heard both the parties and perused the records. It is noted that the applicant was punished for one increment for a period of one year without cumulative effect of unauthorised absence for total 227 days even he was found to be habitual absentee by the disciplinary authority vide his order dated 24-01-2014. He was punished under different disciplinary proceeding for different period of absence vide order dated 18-02-2014 and 20-05-2015. Thereafter the applicant has filed the OA in 2017 only which is also hopelessly barred by limitation even after filing of the original application. The Counsel for the applicant never appears and ultimately the case was dismissed for default vide order dated 04-05-2018 and even thereafter the applicant has chosen to file the instant application for</p>	

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Mihir	<p>recalling of the order of 461 days.</p> <p>In view of the above facts and circumstances, we do not find any reason to recall the order as the applicant has been found habitual negligent not only unauthorised absence but also very much negligence in pursuance his case. Accordingly, both the MA's are dismissed.</p> <p>P. RAMESH KUMAR MEMBER(A) URMITA DATTA (SEN) MEMBER(J)</p>	