

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-38 of 2019 (OA- -899 OF 2017).**Beauti Begam Siddique. 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> <hr/> <p>06/02/2019</p>	<p>For the Applicant : Mr. Goutam Dinda, Advocate.</p> <p>For the State Respondents: N o n e</p> <p><i>The instant application has been filed for recalling of the order dated 09.01.2019, which was dismissed for default, for consecutive absence of the counsel for the applicant. However, the counsel for the applicant has submitted that he has been newly appointed in this matter and due to strike called by the political party; he could not attend the court. Therefore, he has prayed for recalling of the order dated 9.1.2019 and restoration of OA, since it is a case of compassionate appointment. As per the counsel, the applicant will suffer irreparable loss and injury unless the order be recalled and OA is restored.</i></p> <p><i>Heard the parties and perused the records. It is noted that on 09.01.18, MA 10 of 2019 which was filed for restoration of OA was dismissed for default with following observation;</i></p> <p><i>“None for the applicant. The instant application has been filed praying for</i></p>	

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	<p><i>recalling of the order dated 10.12.2018 passed in MA 81 of 2018 arising out of MA 25 of 2018 in relation with the OA 899 of 2017. The counsel for the respondent has drawn our attention to the averments made by the applicant in the instant application and has submitted that this Tribunal earlier dismissed the original application for non-appearance of the applicant vide order dated 15.02.18. Subsequently, the applicant filed one MA-29 of 2018 praying for recalling of the order dated 15.02.2018. However, the said MA was dismissed for default vide order dated 23.04.18. Again the applicant preferred another MA-81 of 2018 praying for recalling of the order dated 23.04.18, but, again the said MA was dismissed for default as well as on the ground of being defective application vide order dated 10.12.2018. Thereafter, the instant application has been preferred praying for recalling of the order dated 10.12.2018. However, even today none appears for the applicant. The counsel for the applicant has prayed for rejection of the MA. Heard the counsel for the respondents and perused the records. It is</i></p>	

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GM	<p><i>noted that the applicant is repeatedly not appearing before the court however after being dismissed for default, he repeatedly filed different applications, but remained absent. Even the earlier and instant MA is also defective one. In view of the above, it seems that the applicant has lost his interest to pursue the case properly. Accordingly, MA is dismissed for default.</i></p> <p><i>However, as it is a case of compassionate appointment, for ends of justice, we recall the order dated 09.01.2019 and restore the OA in its original form subject to deposit of Rs.500/- cost to the State Legal Aid Authority. Accordingly, MA is disposed of. Let OA be listed on 03.04.2019 for admission hearing.</i></p> <p>P. RAMESH KUMAR MEMBER(A)</p> <p>URMITA DATTA (SEN) MEMBER(J)</p>	