

**IN THE WEST BENGAL ADMINISTRATIVE TRIBUNAL
BIKASH BHAVAN, SALT LAKE CITY
K O L K A T A – 7 0 0 0 9 1**

Present :-

**The Hon'ble Mrs. Urmita Datta (Sen)
MEMBER (J)**

-AND-

**The Hon'ble Mr. P. Ramesh Kumar
MEMBER (A)**

J U D G E M E N T

-of-

Case No. MA-69 of 2019 (OA-296 of 2018)

Subhrajit Guha.....Applicant.

-Versus-

State of West Bengal & others....Respondents

For the Applicant

**:- Mrs. Sonali Mitra,
Learned Advocate.**

For the State Respondents

**:- Mr. A. Dutta,
Mr. A. De,
Departmental Representatives.**

Judgement delivered on : 24-05-2019

**The Judgement of the Tribunal was delivered by :-
Hon'ble Mrs. Urmita Datta (Sen), Member(J)**

J U D G E M E N T

The instant OA has been filed praying for a direction upon the respondent to allow the applicant to resume his duty as Amin in the Sub-Divisional Office of Land and Land Reforms Officer, Lalbagh, District – Murshidabad treating the period of unintentional absence as on duty. As per the applicant, while he was working as Amin in the office of Sub-Divisional office of Land and Land Reforms Officer, Lalbagh, District – Murshidabad, some problem cropped up on and from 11-05-2011 due to change of political power in the state and under the compelling circumstances the applicant had to leave the locality to save himself and his family.

As a result thereof the applicant could not attend his duty from 11-05-2011 onwards. However after the circumstances became normal, the applicant returned to his locality and immediately thereafter wrote a letter to the District Land & Land Reforms Officer, Murshidabad and Sub-Divisional Land & Land Reforms Officer, Lalbagh on 10-12-2012 praying for allowing him to resume his duty. Though the applicant time and again approached the authority to join his duty but unfortunately he was not allowed to join his duty (Annexure-B). Again the applicant wrote a letter and made a representation on 20-12-2012 followed by 01-08-2013 but with no response.

However subsequently on 27-09-2013, he received a communication from Sub-Divisional Land & Land Reforms Officer, Lalbagh to ADM, Land & Land Reform Officer, Berhampore asking for instruction from his superior

for appropriate steps. But till date no response has been received by him. Being aggrieved with, he has filed the instant application in the year 2018.

2. The applicant has also filed one MA for condonation of delay for filing the original application, wherein it has been submitted that he repeatedly approached the authority to allow him to resume his duty. Thereafter he submitted a representation on 16-02-2015 also. In the mean time, due to acute Arthritis and Hypertension and as advised by the Doctor to take bed rest, he could not approach this Tribunal within time and has filed the instant application in 2018 only. In support of his contention, he has enclosed certain Medical Certificate and Prescriptions (Annexure – A1) for the period from April, 2015 to June, 2017. Thus there is some delay which may be condoned.

3. The respondent has raised preliminary objection on the point of limitation and filed their reply to the MA, wherein they have specifically stated that the delay should not be condoned as the applicant even not able to show any documents or police complaint against the alleged attack due to change of political power in the State nor did he approached before any Court of law against such alleged attack. However it is an admitted fact that from 2011 he is not attending his duty. Further the medical documents filed by the applicant shows that only on 02-04-2015 one Homeopathic Doctor advised him bed rest asking for reporting after 30 days but no further medical documents to show and substantiate of such type of claim. Therefore the respondent has prayed for dismissal for both MA and OA.

4. We have heard both the parties and perused the records. It is an admittedly fact that the applicant was absent since 2011 onwards. Even if, it has to be accepted that he was not allowed to resume his duty after December 2012, however, he neither made any complaint against such political attack before police or neither any competent Court of law nor he had approached any forum against such alleged debarment for resuming his duty by the respondent. The documents enclosed for such delay is not at all acceptable for condonation of such long delay as the applicant is not able to satisfy us even on the merit of the case. Therefore we do not find any reason to entertain the instant OA which is hopelessly barred by limitation.

5. Accordingly, both the MA and OA are dismissed with no order as to cost.

P. RAMESH KUMAR
MEMBER (A)

URMITA DATTA(SEN)
MEMBER(J)

