

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

The Hon'ble Justice Soumitra Pal

&amp; The Hon'ble P. Ramesh Kumar.

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 style="text-align: center;"><u>14</u> 15.02.19</p>	<p style="text-align: center;"><b>OA-1290 OF 2015</b> <b>Ashim Dutta &amp; Ors. Vs. State of West Bengal &amp; Ors.</b></p> <p>For the Applicant : Mr. G.P.Banerjee Advocate.</p> <p>For the Respondents : Mr. M.N.Roy Advocate.</p> <p style="text-align: center;"><b>OA-1291 OF 2015</b> <b>Debasish Nath &amp; Ors. Vs. State of West Bengal &amp; Ors</b></p> <p>For the Applicant : Mr. G.P.Banerjee Advocate.</p> <p>For the Respondents : Mr. M.N.Roy Advocate.</p> <p>The matters have appeared in the list under the heading "To be Mentioned" (Correction) at our instance. After going through the order dated 16<sup>th</sup> August, 2012 passed by the Supreme Court in the Special Leave Petition from the judgement and order dated 2<sup>nd</sup> February, 2012 in COST No.1 of 2012, it appears that the Supreme Court while rejecting the petition had, inter alia, passed an order which is as under:-</p>	

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	<p><i>“After having heard learned senior counsel appearing for the petitioners and after perusal of the order passed by the West Bengal Administrative Tribunal and confirmed by the Division Bench of the High Court of Calcutta, we find no ground to interfere against the same. The special leave petition is accordingly dismissed.</i></p> <p><i>Learned senior counsel appearing for the petitioners submitted that with the passage of time, the present petitioners have become overage by few months. Therefore, in case of any fresh advertisement, they would be precluded from applying for the same even though the matter had been pending in different courts. If the petitioners move an appropriate representation before the Government, the State Government may consider their request”.</i></p> <p>Yesterday, while passing the order we inadvertently had overlooked the directions contained in the 2<sup>nd</sup> and 3<sup>rd</sup> paragraph of the order passed by the Supreme Court. Since we find in the context of the case, the Supreme Court had directed that in case of any fresh advertisement if the applicants apply, they may file appropriate representation before the Government for condoning the age bar, therefore that</p>	

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BLR	<p>part of the order directing the respondents that “and it will be considered after condoning the age bar” is recalled. However, in view of the order passed by the Supreme Court, in the event fresh recruitment process is undertaken, the applicants are at liberty to apply and also at liberty to file representation for condoning the age bar, if required and the State Government will consider their request.</p> <p><b>(P. RAMESH KUMAR)</b> <b>MEMBER (A)</b></p> <p><b>(SOUMITRA PAL)</b> <b>CHAIRMAN</b></p>	