

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

Hon'ble Justice Soumitra Pal, Hon'ble Chairman &
 Hon'ble Mr. P. Ramesh Kumar, Administrative Member.

Case No. OA 235 of 2017.

BALAI CHAKRABORTY - VERSUS- THE STATE OF W.B. & 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>12 7.11.2019.</p>	<p>For the Applicant : Mr. A.K. Niyogi, Advocate.</p> <p>For the State Respondent : Mrs. S. Agarwal, Mr. R.A. Chowdhury, Advocates.</p> <p>In this application the applicant had moved a writ petition before the High Court, being C.O 13254 (w) of 1993, Balai Chakraborty –vs- Superintendent of Police, Murshidabad and others, which was disposed of on 3rd September, 1997 by directing the respondents to take immediate steps for providing employment to the applicant on the basis of his being successful in the selection for the post of constable in the district of Murshidabad. Aggrieved, the State preferred appeal, being F.M.A.T. 3984 of 1997, which was dismissed for default on 14th February, 2002. It appears that the State respondents filed a restoration application, being C.A.N. 8244 of 2003, and an application for condonation of delay being CAN 434 of 2013. By order dated 3rd October, 2016 the application, being C.A.N. 434 of 2013, was dismissed. The application for restoration CAN No. 8244 of 2003 was also dismissed.</p> <p>It appears that the applicant had filed a</p>	

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	<p>contempt application, being CPAN No. 1759 of 2015, which was dismissed on 4th December, 2015 by the High Court on the ground that the <i>"contempt application was not filed within one year"</i>, as evident from page 8 of the original application.</p> <p>In this application the applicant has prayed for certain reliefs, the relevant portion of which is as under :-</p> <p><i>"A direction may kindly be given upon the Respondents to forthwith issue appointment letter in favour of the applicant in terms of the order passed by Hon'ble High Court on 03.09.1997 disposing of the Ld. Advocate's letter dated 29.11.2016....."</i></p> <p>Since the learned Single Judge of the High Court had passed an order on 3rd September, 1997, this Court has no jurisdiction to pass such order as prayed for. Moreover, assuming this Court has jurisdiction, since the Division Bench of the High Court had dismissed the application for condonation of delay and the application for recall of the order dated 14th February, 2002, Tribunal has no jurisdiction to deal with the matter. The Judgement of the Supreme Court in the Commissioner, Karnataka Housing Board- vs- C. Muddaiah 2007(6) SLR,</p>	

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Skg.	<p>relied on behalf of the applicant is not applicable as therein the learned Single Judge by an order had dismissed the writ petition which was set aside by the Division Bench. Thereafter appeal was field before the Supreme Court by the Karnataka Housing Board. Dismissing the appeal the Supreme Court directed the Board to implement the order of the High Court. In this application the Tribunal at no stage had passed the order. Therefore, no order is passed on the application. The application is dismissed.</p> <p>(P. Ramesh kumar) Member (A).</p> <p>(Soumitra Pal) Chairman.</p>	