

ORDER SHEET
West Bengal Administrative Tribunal

Present.-
The Hon'ble Justice Ranjit Kumar Bag
&
The Hon'ble Dr. Subesh Kumar Das

Case No. **OA – 625 of 2017 along with MA – 77 of 2017**

Dr. Subhas Kumar Rana

Versus

The State of West Bengal & Others.

Serial No. and
date of order

Order of the Tribunal
with signature

Office action with date
and dated signature of
parties when necessary.

1

2

3

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24/12/2019

For the Applicant : Mr. S. Samanta,
Mr. B. Samanta,
Mr. P.K. Mondal,
Learned Advocates.

For the State Respondents : N O N E.

OA-625/2017 is treated as on day's list with consent of Mr. Samanta, Learned Counsel for the applicant.

The applicant has prayed for direction upon the respondents for granting him the rank of Associate Professor in Cardiology w.e.f. February 25, 2000 or w.e.f. October 11, 2002 or w.e.f. March 23, 2004 after setting aside the reasoned order dated June 10, 2011 issued by the Director of Medical Education and Ex-Officio Secretary to the Government of West Bengal, by which prayer of the applicant for granting him the rank of Associate Professor in Cardiology in terms of the order dated October 11, 2002 was turned down.

The said Original Application No. 625/2017 was filed before this Tribunal on July 11, 2017. The delay of almost six (06) years in approaching the

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Form No.

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	<p>Tribunal is sought to be explained by the applicant by filing MA-77/2017 whereby he has prayed for condonation of delay.</p> <p>None appears on behalf of the state respondents. Mr. Samanta, Learned Counsel for the applicant contends that the applicant and his wife were suffering from Cancer and the condition of their health deteriorated and as such the delay took place in filing the original application before the Tribunal.</p> <p>Admittedly, the applicant has prayed for setting aside the impugned reasoned order dated June 10, 2011 passed by the Director of Medical Education and Ex-Officio Secretary to the Government of West Bengal. The said reasoned order was passed in pursuance of the order dated December 07, 2010 passed by this Tribunal in OA No. 596/2005. The impugned order indicates that the applicant was given the rank of Associate Professor in Cardiology, North Bengal Medical College & Hospital with effect from the date of his joining in the said post by way of promotion. The order of promotion was issued by the authority concerned on October 11, 2002, but the applicant</p>	

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	<p>did not join the post and as such another eligible candidate was given promotion in the said post of Associate Professor in Cardiology in place of the applicant. The said impugned order passed on December 10, 2011 was challenged after lapse of more than six (06) years on July 11, 2017 by filing the present Original Application (OA 625 of 2017).</p> <p>The contents of the Miscellaneous Application (MA-77 of 2017) disclose that the delay in approaching the Tribunal took place as the applicant was suffering from several difficulties due to deterioration in condition of health and due to suffering of both the applicant and his wife from Cancer. No Medical Certificate or prescription of treatment of Cancer of either the applicant or his wife is forthcoming before the Tribunal. The date of detection of Cancer of the applicant and his wife and the period for which the applicant and his wife have been suffering from Cancer are conspicuously absent from the Miscellaneous Application. The vague statement of difficulties faced by the applicant and the vague statement of suffering of the applicant and his wife from Cancer can never be construed as reasonable explanation for the inordinate delay of six (06) years in approaching the</p>	

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Csm	<p>Tribunal from the date of passing of the reasoned order. In view of our above observations, we are constrained to hold that the applicant has miserably failed to explain the delay of six (06) years in approaching the Tribunal in filing OA-625/2017.</p> <p>The logical inference of our above observations is that the original application filed by the applicant (OA-625/2017) is clearly barred u/s 21 of the Administrative Tribunals Act, 1985. As a result, both the Original Application and the Miscellaneous Application are dismissed.</p> <p>Let a Plain Copy of the order be supplied to the applicant.</p> <p style="text-align: center;">S. K. DAS MEMBER(A)</p> <p style="text-align: center;">R. K. BAG MEMBER(J)</p>	