

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

**The Hon'ble Justice Ranjit Kumar Bag
& The Hon'ble Subesh Kumar Das**

Case No –OA 861 OF 2014

Sidheswar Patra Vs The State of West Bengal & Ors.

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</p> <hr/> <p>12.07.2018</p>	<p>For the Applicant : Mr. C. Dutta, Learned Advocate.</p> <p>For the State Respondent : Mr. G.P. Banerjee, Mr. M.N. Roy, Learned Advocate.</p> <p>The applicant has prayed for direction upon the respondents to consider the application already submitted by the applicant in terms of order dated May 12, 2012 passed in CAN No. 2687 of 2010 arising out WPST 1831 of 2008 for upgradation of pay of the applicant as Sub-Overseer in accordance with his qualification and other ancillary reliefs.</p> <p>Learned Counsel for the applicant has failed to refer the order dated May 12, 2012 passed by the Hon'ble High Court in connection with CAN No. 2687 of 2010. On our query, Learned Counsel for the applicant submits that the date of order in the prayer portion is a typographical mistake on his part. However, on scrutiny of the materials on record, we find that the Hon'ble High Court has passed order on May 10, 2012 in connection with CAN No. 2687 of 2010 arising out WPST 1831 of 2008. It appears from the said order that the Hon'ble High Court has dismissed CAN No. 2687 of 2010 whereby the applicant prayed for modification of order dated December 2, 2008 passed in connection with WPST 1831 of 2008. On perusal of order dated December 2, 2008 passed in WPST 1831 of 2008, we find that the said writ application was disposed of by the Hon'ble High Court by granting liberty to the</p>	

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Rajib	<p>applicant to make fresh application, if fresh materials are available and if so advised, in default the issue raised in the said writ petition will be a closed chapter. Nothing is on record to indicate that fresh application was submitted by the applicant after discovery of fresh materials as observed by the Hon'ble High Court.</p> <p>The present application has been filed by the applicant on August 4, 2014 i.e. long after almost seven years of retirement of the applicant on November 30, 2007 and long after disposal of WPST 1831 of 2008 on December 2, 2008. In our view, the present application is clearly barred under Section 21 of the Administrative Tribunals Act, 1985, as the applicant has approached the Tribunal long after seven years of retirement and long after seven years of disposal of writ application by the Hon'ble High Court. This delay has not been explained by the applicant by submitting any application under Section 21(3) of the Administrative Tribunals Act, 1985. So the present application is clearly barred by limitation. Moreover, since no specific direction is given by the Hon'ble High Court except submission of application by order dated December 2, 2008 when WPST 1831 of 2008 was disposed of, we are of the view that there is no merit in the present application. So the present application is dismissed.</p> <p style="text-align: center;">(Dr. S.K. Das) Member (A)</p> <p style="text-align: center;">(R.K. Bag) Member (J)</p>	

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