

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Mrs. Urmita Datta (Sen), Member(J).

Case No. –MA 76 of 2020 [OA 412 of 2020]

Ananya Dasgupta - **VERSUS** - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order <u>04</u> 18.08.2021	For the Applicant For the State Respondent	: Mrs. S. Agarwal, Ld. Advocate. : None.
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The matter is taken up by the Single Bench pursuant to the Notification No. 949-WBAT/2J-15/2016 dated 24th December, 2020 and 456-WBAT/2J-15/2016 dated 16th July, 2021 issued in exercise of the powers conferred under Section 6 (5) of the Administrative Tribunals Act, 1985.

It is noted that on 17.03.2021 both MA and OA were directed to be listed on 23.04.2021. However, due to lock down for pandemic situation, the matter could not be taken up on that date. However, today only the MA has been listed, but OA has not been listed. Therefore, the OA be treated as item no. 4(a) of today's list.

The instant application has been filed praying for condonation of delay of 129 days in filing the original application. As per the applicant, her father died on 11.05.1999 and subsequently on 15.12.1999 the mother of the applicant had applied for compassionate appointment in her favour. Subsequently, she was asked to appear before the Enquiry Committee on 21.08.2000 (Annexure-C). However, thereafter, no communication was made to her but she remained to contact the authority and ultimately vide letter dated 26.06.2018 (Annexure-C), the Deputy Director of Industrial Training, In-charge of ITI, Howrah Homes had sent letter to the Director of Industrial Training, West Bengal, Technical Education, Training and Skill Development Department asking for his decision. However, thereafter also no decision has been communicated to the applicant. Then on 10.12.2019, the applicant made a representation to the Director of Industrial Training asking for consideration of her case but till date no decision has been communicated to her. As she was waiting for the decision of the respondent authority, there is some delay in filing the original application. Therefore, the counsel for the applicant has prayed that the delay may be

ORDER SHEET

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condoned.

None appeared for the respondents though Affidavit of service has been filed by the applicant. Heard the counsel for the applicant and peruse the record. It is noted that the applicant was pursuing her case before the authority and the authority was also communicating with her in this regard. Therefore, as there is an arguable case, the delay is condoned.

MA is, thus, **allowed**.

Since for circumstances beyond control, the Registry is unable to furnish plain copies of this order to the learned advocates for the parties, the Registry is directed to upload this order on the website of the Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.

Mrs. URMITA DATTA (SEN)
MEMBER (J)

SS/CSM