

08-03-2024
ct no. 13
Sl. 233
sp

WPA 7775 of 2010

With

CAN 2 of 2013 (Old No. CAN 11054 of 2013)

With

CAN 3 of 2019 (Old No. CAN 5374 of 2019)

Amal Kumar Chitrakar

-Versus-

The State of West Bengal & Ors.

Mr. Milan Ch. Bhattacharjee,

Ms. Sulagna Bhattacharjee

...for the respondent/applicant

Mr. Kamal Mishra,

Mr. Subhadeep Maitra

..for the DPSC, Purba Medinipur

1. Having heard Mr. Kamal Mishra, learned counsel for the petitioners and Mr. Milan Ch. Bhattacharjee, learned Senior Counsel for the respondents, it appears that CAN 5374 of 2019 renumbered as CAN 3 of 2019 has been filed after 4 years of the order dated May 14, 2015. There is no explanation for the delay.
2. It is submitted by Mr. Milan Ch. Bhattacharjee, learned Senior Counsel for the writ petitioner respondent that the application for recall even otherwise is not maintainable as there is no provision therefor under the CPC. If at all, the DPSC, Purba Medinipur could have

sought review of the said order dated May 14, 2015. As to whether even a review application would be maintainable after 4 years of the order and 9 years as on date, is seriously questionable.

3. Mr. Bhattacharjee thereafter submitted without prejudice to the preliminary objections raised as above, that the application filed in 2019 was during the pendency of FMA No. 3925 of 2016, already filed against the said order dated May 14, 2015.
4. It however appears that the appeal was dismissed on December 20, 2019 by the Division Bench of this Court on the ground that an application for recall and/or review of the order dated May 14, 2012 is pending.
5. Having heard the learned counsel for the parties, this Court is of the view that, assuming for the sake of argument and in view of the observations of the Division Bench, the order dated December 20, 2019 CAN 5374 of 2019 could be treated as a review application, there is not even a word explanation of the delay in filing the same.

6. In that view of the matter, list this application 4 weeks hence for further consideration.

(Rajasekhar Mantha, J.)