

Dd 01 12.06.2023

[Dismissed]

WP.ST 90 of 2023

**Tapan Kumar Neogy
Vs.
The State of West Bengal & Ors.**

Mr. Sujit Saha, Advocate
... .. For the Petitioner

The writ petition is taken up against an order dated January 4, 2019.

By the impugned order, the Miscellaneous Application no. 153 of 2016 was dismissed. The learned tribunal refused to recall an order dated March 11, 2010 passed in T.A. no. 8. of 2004.

The present writ petition was filed on May 18, 2023. The filing proforma states that the matter should be listed on June 12, 2023.

Today when the matter is taken up for consideration learned advocate appearing for the petitioner seeks time on the ground that the writ petition is yet to be served upon the respondents.

We considered such prayer and requested the learned advocate to address the Court on merits. Learned advocate for the writ petitioner is not willing to address the Court on merits.

In such circumstances, the prayer for adjournment is rejected. The writ petition is taken up for consideration on merits. We find from the records made available in the writ petition that, the writ petitioner filed a writ petition which was transferred to

the tribunal and registered as T.A. no. 8 of 2004. In such proceeding, an order dated March 11, 2010 was passed. Thereafter, the writ petitioner after expiry of six years, filed an application being M.A. 153 of 2016 on September 5, 2016 seeking recalling of the order dated March 11, 2010. The writ petitioner, thereafter, filed another application on June 29, 2017 for condonation of delay. The writ petitioner contended that he was not aware of the transfer of the writ petition and, therefore, he could not be represented by an advocate.

Learned tribunal took into consideration the contents of the order dated March 11, 2010. Such order records that, the writ petitioner was not appearing before the tribunal in spite of notice being served upon the writ petitioner.

In such circumstances, the learned tribunal by the impugned order found no cogent ground to recall the order dated March 11, 2010.

The conduct of the writ petitioner is abysmal. The writ petitioner was not appearing before the tribunal as noted in the order dated March 11, 2010 passed in T.A. no. 8 of 2004 despite notice of the same. Thereafter, the writ petitioner took more than six years to file a recalling application and thereafter an application for condonation of delay application. By the impugned order dated January 4, 2019, the learned tribunal was pleased not to accept the contention of the writ petitioner.

The writ petitioner waited from January 4, 2019 when such order was passed in presence of the writ petitioner to file a writ petition on May 18, 2013, that is after an expiry of a period of 4 years.

Even today, the writ petitioner is not in a position to proceed with the merits of the matter.

In view of such conduct of the writ petitioner, we find no ground to interfere with the impugned order.

WP.ST 90 of 2023 is accordingly **dismissed**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)