

13.07.2023
Item No. **56ML**
Ct. No.5
CHC

W.P.S.T.146 of 2018
IA NO: CAN/1/2020(Old No:CAN/2401/2020)
CAN/2/2022

Mansur Rahaman
Vs.
The State of West Bengal & ors.

Munshi Ashiq Elahi,
Mr. Tirthankar Mukherjee,
Ms. Madhurima Sarkar,
Ms. Jaya Chaudhury
...for the writ petitioner

Mr. Pinaki Dhole,
Mr. Somnath Naskar
...for the State

The writ petition is directed against an order dated July 18, 2018 passed by the West Bengal Administrative Tribunal in O.A.172 of 2017.

By the impugned order, the Tribunal did not find the delay of about 14 years in approaching the Tribunal to be adequately explained and therefore refused to entertain the Original Application.

The writ petitioner was working as a Constable. He was dismissed from service upon a disciplinary proceedings being taken against him. The dismissal of service was in 2003. Medical evidence on record suggest that the writ petitioner was suffering from mental illness till March 15, 2003. The order of dismissal is dated June 12, 2003. The order of the

Appellate Authority is dated September 18, 2023. The Appellate Authority concurred with the finding of the disciplinary and the quantum of punishment imposed on the petitioner.

The writ petitioner filed the Original Application in 2017 before the Tribunal without explaining the delay of more than 14 years in approaching the Tribunal.

Tribunal did not entertain the same on the ground of unexplained delay.

In such circumstances, we find no reason to interfere with the impugned order.

W.P.S.T. 146 of 2018 with all connected applications are dismissed without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)