

WPCT 160 of 2023

(Jagadananda Biswas Vs. Union of India & Ors.)

Mr. Ayan Banerjee
Mr. Suman Banerjee

.... For the petitioner

Mr. Ashoke Kumar Chakraborty, Ld. ASGI
Ms. Sushmita Saha Dutta
Mr. Tirtha Pati Acharyya

.... For the respondents

The present writ petition has been preferred by the petitioner challenging an order dated 23rd May, 2023 passed by the learned Tribunal in a review application being RA 32 of 2016 preferred by the Union of India and its functionaries along with an application for condonation of delay being MA 544 of 2016 against the order dated 5th February, 2015 passed by the learned Tribunal in the original application (in short, OA), being OA 378 of 2012. By the order impugned the application for condonation of delay has been allowed.

The operative part of the order dated 5th February, 2015 runs as follows:

‘In such view of the matter the respondents are directed to implement the recommendation made in para 3.1.14 of the 6th CPC in case of the present applicant who is also working as Sr. Private Secretary having completed more than 4 years as such. The impugned orders dated 17.11.2011 (Annexure A-18) and dated 22.11.2011 (Annexure A-19) are accordingly quashed. Appropriate

order be issued within a period of 3 months from the date of communication of the order.'

Records reveal that the respondents thereafter filed an application being MA 219 of 2015 seeking extension of time to implement the order dated 5th February, 2015 passed in OA 378 of 2012 which was disposed of by an order dated 13th July, 2015 granting further three months time to implement the order dated 5th February, 2015. Challenging the said orders dated 5th February, 2015 and 13th July, 2015, the respondents preferred a writ petition being WPCT 5 of 2016. The said writ petition was, however, dismissed on contest by an order dated 27th January, 2016. Subsequent thereto, the respondents filed another application being MA 196 of 2016 in OA 378 of 2012 which was dismissed with liberty to the respondents herein to act in accordance with law.

In the said conspectus of facts, Mr. Banerjee, learned advocate appearing for the petitioner submits that the learned Tribunal ought not to have condoned the delay in preferring the review application. The delay, according to the petitioner, was of one year, eight months and thirteen days. However, the learned Tribunal erroneously considered such delay to be of only seven days and condoned the same. Such argument, as advanced, was glossed over by the learned Tribunal. Such infirmity warrants interference of this Court.

Mr. Chakraborty, learned Additional Solicitor General of India appearing for the respondents denies and disputes such contention of the petitioner.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

It appears that the learned Tribunal has exercised discretion in favour of the respondents herein and condoned the delay upon giving reasons and we do not find any infirmity in the same.

In view thereof, no interference is called for in the present writ petition.

Needless to observe, the learned Tribunal shall dispose of the review application on merits, as expeditiously as possible, without granting any unnecessary adjournments to either of the parties.

With the above observations, the writ petition being WPCT 160 of 2023 is disposed of.

There shall, however, be no order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)