

**W.P.S.T. 111 of 2023
With
CAN 1 of 2025**

**Jayanti Palit
Vs.
The State of West Bengal & Ors.**

Mr. Debasish Kundu
...for the Petitioner

Mr. Tapan Kr. Mukherjee, Id. AGP,
Ms., Tuli Sinha
...for the State Respondents

1. Heard the learned counsel for the applicant/writ petitioner and the learned State counsel.
2. The applicant/writ petitioner is wife of one Late Bhutnath Palit who was working as an ASI in the North 24 Parganas District. The said ASI was dismissed from service by an order issued by the Superintendent of Police, North 24 Parganas on 24.08.2005. Eighteen years thereafter an O.A. No.334 of 2023 has been filed by the wife assailing the order of dismissal. The same has been dismissed by the West Bengal Administrative Tribunal ('S.A.T.' for short) as being barred by limitation.
3. The learned counsel for the petitioner submits that the deceased had made an application for voluntary retirement on 07.04.2004. There is no order either rejecting or accepting the same. In

view of the extant provisions contained in the service rules, the same is deemed to have been accepted within a lapse of three months thereafter.

4. We find from the record that the application for voluntary retirement was made on 07.04.2004, to take effect from 07.07.2004. However, the petitioner's husband after making the application for VRS on 07.04.2004, has stayed unauthorisedly absent from duties since 21.05.2004. The authorities were therefore not in a position to process his application as he was not available.
5. In view of that unauthorised absence, proceedings have been drawn up, and notices issued. The husband of the petitioner did not participate in the proceedings and under such circumstances the dismissal order was passed on 24.08.2005. The petitioner's husband has died on 28.08.2022. Thereafter petitioners made representation before certain police authorities claiming certain benefits before filing the Original Application. The S.A.T. has rightly rejected the application as being barred by limitation.
6. We find it hard to believe that even after dismissal of petitioner's husband in the year 2005, when his

salary would have stopped, the petitioner who claims to be wife of the deceased, was not in knowledge of such dismissal order.

7. At this juncture we consider it apposite to take into consideration the decision of the apex Court in the case ***of Sheo Raj Singh (Deceased) Through Lrs. & Ors. v. Union of India & Anr. reported in (2023) 10 SCC 531.*** In the said report the apex Court has taken into consideration that the Courts have always stepped in to ensure that the substantive rights of the parties are not defeated at the threshold due to a technical consideration like delay. The discretion to condone the delay however, is dependant upon sufficiency of the cause shown and acceptability of the explanation given. Under such circumstances the length of delay would become immaterial. The prolonged delay thus can also be condoned if the explanation is satisfactory.
8. In the present case we have found the explanation to be unsatisfactory for the reasons indicated above. The Tribunal was therefore not in error in refusing to condone such long delay for which no, much less sufficient cause was shown. Therefore, the order of the Tribunal in OA No. 334 of 2023 requires no interference.

9. The Writ Petition stands dismissed.
10. There will be order as to costs.
11. Parties will be at liberty to get xerox certified copy of this order, if applied, upon fulfilling all necessary formalities.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)