

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

The Hon'ble Justice Soumitra Pal (Chairman)
& The Hon'ble Mr. Subesh Kumar Das (Administrative Member)

Case No – O.A. 958 of 2018

PRAHLAD CHANDRA GHOSH Vs **The State of West Bengal & Ors.**

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
<p>1</p> <hr/> <p>05.02.2019</p>	<p>For the Applicant : Mr. S.N. Ray, Advocate</p> <p>For the State Respondent: Mr. G.P. Banerjee, Advocate</p> <p>Let affidavit of service filed be kept on record.</p> <p>At the very outset, it is submitted by Mr. Ray, learned advocate that though the matter has appeared in the cause list with the correct number, however, as in the letter dated 19th December, 2018 intimating the respondents about the listing of the matter it has been wrongly stated OA No.903 of 2018 instead of OA No. 958 of 2018, the same may be condoned and the matter may be heard.</p> <p>Since Mr. G.P. Banerjee, learned advocate is appearing for all the respondents, there is no difficulty in taking up the matter. Hence, the matter is taken up.</p> <p>In this application, the applicant stated to have been appointed in the land loser category, pursuant to the</p>	

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	<p>order dated 6th June, 2012 passed by the Directorate of Personnel and Ex-Officio Chief Engineer, Irrigation and Waterways Directorate, the respondent no.3 – has prayed for a direction upon the respondents to give notional appointment to him from 2000, so that he can avail himself of the pensionary benefits. Since the application for appointment in the land loser category was turned down in the year 2003 as there was an embargo on appointment, which was subsequently considered and allowed in the year 2012, he is entitled to be considered to be notionally appointed from the year 2000. Mr. Roy submits that since the applicant is due to retire within a year, appropriate order as prayed for, may be passed.</p> <p>Mr. Banerjee, learned advocate submits that it is evident from the memo dated 16th January, 2011 issued by the Director of Personnel and Ex-Officio Chief Engineer, Irrigation & Waterways Directorate Government of West Bengal, Kolkata, the respondent no.3 that the applicant had prayed for appointment on compassionate ground as a land loser candidate which was rejected by the authorities by passing a reasoned order dated 15th September, 2003 which was challenged by the applicant by filing W.P. No. 18775 (W) / 2003 before the Division Bench of the High Court. Since the applicant did not appear, the said writ petition was dismissed for default and as no attempt was made to restore the matter, the applicant is now estopped</p>	

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SCN.	<p>from praying for giving notional appointment from the year 2000.</p> <p>Having heard Mr. Ray and Mr. Banerjee, learned advocates for the parties and considering the facts and circumstances of the case, since the applicant did not pursue the petition being W.P. No. 18775 (W) / 2003, which was dismissed for default, now he cannot pray for a direction upon the respondents to give notional appointment from the year 2000. Hence no order is passed on the application. The application is dismissed.</p> <p>(S.K. Das) MEMBER (A)</p> <p>(Soumitra Pal) CHAIRMAN</p>	