

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Bikash Bhavan, Salt Lake, Kolkata – 700 091.**

**Present-**

**Mr. Sayeed Ahmed Baba, Officiating Chairperson and Hon'ble Member (A).**

Case No. – OA 210 of 2023.

SRI SISIR MANDI – VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and  
Date of order

3  
18.8.2023

For the Applicant : Mr. S.K. Adhikari,  
Mr. M.N. Roy,  
Ld. Advocates.

For the State respondents : Mr. S. N. Ray,  
Ld. Advocate.

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638-WBAT/2J-15/2016 (Pt. – II) dated 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

On consent of the learned counsel for the contesting parties, the case is taken up for consideration sitting singly.

The prayer in this application is for setting aside the impugned order no. 1760 dated 12<sup>th</sup> June, 2018 of the respondent authority. By this order, the respondent authority had regretted the application for employment under compassionate ground. Submission of Mr. M.N. Roy is that this impugned order while rejecting the application failed to cite any specific ground as to why the application cannot be considered. The relevant part of the impugned order is as under :-

*“....It appears that the candidate has not fulfilled the required conditions as laid down in the said Notification for being eligible to be considered for appointment under exempted category.*

*Accordingly, I am directed to state that the Government regrets its inability to consider the case for appointment under the exempted category in the light of the guideline contained in Notification No. 251-Emp, dated 03.12.2013 of Labour Department read with subsequent amendments...”.*

Responding on behalf of the respondents, Mr. S.N. Ray, learned counsel

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opposes the admission of this application on the ground that the impugned order being challenged in this application is dated 12<sup>th</sup> June, 2018, whereas this application was filed in this Tribunal on 29<sup>th</sup> March, 2023, a good five years later. In response, Mr. M.N. Roy draws my attention to memo 969 dated 20.4.2021. This memo appears to be a direction by the Superintendent of Police, Jhargram to I.C. Belpahari P.S. advising him to hand over a copy of the impugned memo 1760 to the applicant, Sisir Mandi. Submission of Mr. Roy is that this impugned order though passed in the year 2018 was communicated to the applicant only in the year 2021. So far delay in filing this application after 2021, Mr. M.N. Roy refers to an Apex Court judgement allowing belated filing of applications in the wake of Covid-19 pandemic situation.

In the opinion of the Tribunal, although the question of admissibility due to limitation has been raised by Mr. S.N. Ray, but it is evident from the order of this Tribunal dated 17.4.2023 that this application was heard and admitted. The point of limitation or admissibility of this application was not raised then while hearing this matter.

Let reply on behalf of the respondent be filed and rejoinder, if any, in the meantime by the next date and the matter to appear under the heading "For Orders" on 19<sup>th</sup> December, 2023.

(SAYEED AHMED BABA)  
Officiating Chairperson and Member (A).

Sk.