

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson and Administrative Member.

Case No. –OA 390 of 2020

Subir Pal. - Versus - The State of West Bengal & Others.

Serial No. and Date of order	For the Applicant	: Mr. S. N. Ray, Advocate.
<u>13</u> 03.08.2023.	For the State Respondents	: Mr. G. P. Banerjee, 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 23rd November, 2022 issued in exercise of the powers conferred under Section 5 (6) of the Administrative Tribunals Act, 1985.

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

The prayer in this application is for a direction to the respondent to issue appointment letter for the post of Fire Engine Operator-cum-Driver under the Department of Fire & Emergency Services, Government of West Bengal.

At the very outset, it appears that the applicant had participated in the examination conducted by the department in the year 2010. Although successful in the recruitment process, the appointment letter was not issued in favour of the applicant due to allegedly falsifying his date of birth in one of the documents. The applicant filed this application before this Tribunal in 2020. As per the submission and the reply of the respondent, this application is not admissible and barred by limitation for having approached the Tribunal after a gap of ten years.

Despite last chance given, no rejoinder has been filed by the applicant. Let the matter be heard on the basis of record in this application.

Submission of Mr. Ray, learned counsel for the applicant that despite being selected, no appointment letter was issued to the applicant.

On behalf of the respondents, Mr. Banerjee, learned counsel

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submits that the applicant had falsified his date of birth in the documents which was detected by the respondent authorities during verification. Mr. Banerjee refers to page 5 of the reply which appears to be the Verification Roll and in which 02.07.1985 has been written by the applicant as his date of birth. In another document, which is the Driving License and produced at the time of verification, the date of birth is recorded as 12.06.1982. Further, in the original application filed by the applicant in this Tribunal appearing at page 27 date of birth is shown as 02.07.1985.

It is the observation of this Tribunal that by submitting different documents having different sets of date of birth before the respondent authority for verification, the applicant has left something in the minds to be suspicious and therefore refrained from issuing the Appointment Letter.

The personal details filled by the applicant in the Verification Roll are to be considered to be true and in the best knowledge of the applicant. Entries like date of birth, other figures and spellings may be incorrectly recorded in documents but the Verification Roll filled by hand by the applicant mentions 02.07.1985 as his date of birth. As the respondents found during verification of Driving License, the date of birth has been shown as 12.06.1982. Another Driving License attached with this application in the Tribunal shows 02.07.1985 as the date of birth to the Tribunal. By submitting two different sets of date of birth, the applicant has given enough reason to the respondents to be suspicious of his integrity. The Tribunal is also of the view that this application is not admissible due to limitation since it was filed before this Tribunal on 12.10.2020; whereas the result being challenged in this application was published after completion of the recruitment process in

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2010. The applicant has filed this application after a lapse of more than ten years without giving sufficient reason to the satisfaction of the Tribunal. Therefore, it is barred by limitation.

In view of the above observation, the application is disposed of without any orders.

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

HS/SM