

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 7 of 2018.

SARADINDU MONDAL – VERSUS-THE STATE OF WEST BENGAL & ORS

Serial No. and
Date of order

11
28.11.2023

For the Applicant : Mr. P.S. Ghosh,
Advocate.
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 counsel for the contesting parties, the case is taken up for consideration sitting singly.

The prayer in this application for setting aside the impugned order passed by the respondent on 21.11.2014 in which the application for compassionate employment was rejected on the ground of belated submission. The applicant's father died in harness as a cultivation attendant, Sericulture, Birbhum on 10.05.2003. Mr. Ghosh disagrees with the reason in the impugned order and states that the applicant had submitted an application within the time limit and a copy has been annexed in this application which appears to be a hand written plain paper application dated 21.07.2003. Thereafter, the Director, Sericulture forwarded his application to the Deptt. of M & SSE & T on 17.03.2008. A copy of which is at page 25.

Submission of learned counsel is that the respondent cannot reject his application on the ground of belated application under 252-Emp dated 03.12.2013 since it is very evident that an application was made on time and the same was processed and forwarded to the department with recommendation on behalf of the applicant.

After hearing the submissions of the learned counsels and examining

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the records, this Tribunal is not able to accept the contention that the applicant had made an application within the permissible time. The copy of such application appears to be a hand written plain paper without any evidence of this having been received by the office of the respondents. As per the correspondence from the Director to the Department dated 17.3.2008, it has been stated that the applicant had applied only on 02.02.2006, which is almost three years after the demise of the employee. Based on such an application furnished on 02.02.2006, an enquiry was conducted and its report was submitted on 08.03.2007. Therefore, this application was regretted citing para 14(a) of Notification 251-Emp, belated application beyond six months from the date of demise of Sambhu Mondal. The Tribunal is satisfied that such rejection relying on the above Notification was the appropriate action taken by the respondent and does not find any merit in this application and legality in setting aside the impugned reasoned order rejecting the application of the applicant for compassionate employment. Further, the Tribunal also finds that the impugned order passed on 21.11.2014 has been challenged in this Tribunal after a lapse of almost four years, which is barred by limitation. It is also seen that the copy of the impugned order was endorsed to the applicant also.

With the above observations, this application is disposed of.

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

Skg.