

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

The Hon'ble Smt. Urmita Datta (Sen), Member (J)
& The Hon'ble P. Ramesh Kumar, Member (A)

Case No MA – 91 of 2019 (OA – 182 of 2019)

Shankar Mandal –Vs- The State of West Bengal & Others.

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 style="text-align: center;"><u>5</u> 28.11.2019</p>	<p><i>For the Applicant : Mr. D.K. Mukherjee, Advocate.</i></p> <p><i>For the Respondents : None.</i></p> <p><i>The instant application has been filed praying for the following relief (s):</i></p> <p><i>“i) Your Lordships be graciously pleased to direct the Respondent No. 1 and 2 not to stick to their earlier erroneous decision taken in their Memo No. 2008-Cot(II)/2S-75/99 dated 6th July 2000 out of ego which has already been set aside by this Ld. Tribunal on 18.12.2015 in O.A. 132 of 2015 (Dinesh Pramanick – Vs – State of West Bengal & Ors.) and to consider the prayer of the applicant for compassionate appointment with a sympathetic attitude and to give him an appointment to a Group – ‘D’ post in order to remove discrimination among the employees of Group – ‘D’ Cadre.</i></p> <p><i>ii) Delay which was beyond control of your applicant may kindly be condoned.”</i></p>	

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	<p><i>As per the applicant, his father died on 21.09.2001 leaving behind two sons and one married daughter. As per the applicant, after the death of his father, he approached the authority, whereby he was discarded to pursue his claim as the said benefit is not admissible to dependent the Resham Karmee. Therefore, he did not pursue the same. However, in the mean time, he had come to know about some judgement passed by this Tribunal and approached the authority for the first time in writing on 27.04.2018. However, as no decision was communicated to him, being aggrieved with, he has filed the instant application.</i></p> <p><i>The applicant has filed one M.A. for condonation of delay. He approached the Tribunal on the ground that his mother deserted him after the demise of his father on 29.01.2001. He approached the authority verbally for compassionate appointment. According to the applicant, respondents discarded him to pursue the case on the ground that the dependant of Resham karmee has no right to be considered for compassionate appointment as per the C & SSI Department's Memo dated 06.07.2000 and however, the applicant approached the authority and has challenged the same before this Tribunal. Therefore, he has prayed for condonation of delay.</i></p>	

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A.K.P.	<p><i>Heard the counsel for the applicant. None for the respondent. It is noted that the father of the applicant died on 21.09.2001. Admittedly the applicant did not approach this Tribunal after being verbally rejected by the authority during 2000 – 2019 only. On 27.04.2018, he had approached the authority in writing for consideration of his case for compassionate appointment. It is further observed that even pensionary benefit has not been settled so far as per the averment of the applicant. Therefore, we do not find any reason to condone the delay of 18 years to approach this Tribunal. Accordingly, both the M.A. and O.A. are dismissed.</i></p> <p>P. RAMESH KUMAR MEMBER (A)</p> <p>URMITA DATTA (SEN) MEMBER (J)</p>	