

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-****The Hon'ble Urmita Datta (Sen) Member (J) & MA-17/2019, MA-18/2019 (OA-1132/2016)****The Hon'ble P. Ramesh Kumar, Member (A)****Uttam Kumar Let & Anr.****Vs****The State of West Bengal & Ors.**

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with dated signature and dated signature of parties when necessary 3
<p style="text-align: center;"><u>02</u> 18.01.2019</p> <p>Page /1</p>	<p>For the applicant : None.</p> <p>For the respondent : None.</p> <p style="text-align: center;">None for the applicant. The original application was filed on 15.11.2016 thereafter it was due to be listed on 06.02.2017. The matter was again listed on 16.06.2017, 28.06.2017 and 08.09.2017 but none appeared for the applicant and ultimately this Tribunal dismissed the said application for default on 08.09.2017. However, the applicant has filed two MA application being No. MA-17 of 2019 & MA-18 of 2019 and MA - 17/2019 has been filed for condonation of delay for 430 days for filing an application for recalling of the order dated 08.09.2017 on the ground that due to the financial condition of the applicant, he could not prefer the restoration application within time. However, as per the counsel, due to the serious illness of Advocate on record, he could not attend the Tribunal. Therefore, the OA was dismissed for default. The applicant has filed one MA for recalling of the order on the same ground.</p>	

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<p style="text-align: center;">02 18.01.2019</p> <p>Page /2</p>	<p style="text-align: center;">Today, Mr. Jahangir Hossain appearing for the applicant and has submitted though he is not the Advocate on Record, he has been entrusted to appear on behalf of the applicant. He has reiterated the grounds stated in both the MA applications and prayed for recalling of the order.</p> <p style="text-align: center;">Heard the counsel appearing for the applicant. It is noted that the father of the applicant died on 21.02.2002 while working as a Resham Karmee in the Sericulture Deptt and he has applied for compassionate appointment on 14.03.2003 before the authority which was rejected by the authority vide order dated 23.09.2016. Being aggrieved he has filed this instant application.</p> <p style="text-align: center;">It is further noted that in order dated 23.09.2016, the authority observed inter alia :-</p> <p style="text-align: center;">1. "From the perusal of file and record, it appears that no application for compassionate appointment has been submitted</p>	

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<p style="text-align: center;">02</p> <hr/> <p style="text-align: center;">18.01.2019</p> <p style="text-align: center;">Page /3</p>		<p>by the applicant at any office of the Respondent authority. The annexure which has been marked as "C" with the original application has been examined. The applicant has miserably failed to produce any receipt showing that his application was duly submitted before the respondent authority.</p> <p>2. Considering all such available records and documents, we are of the opinion that the petitioner did not submit any application for compassionate appointment due to death of his father who was employed as "Resham Karmee" as claimed in his petition. In absence of any application of such nature, no order can be passed at this stage. "</p>

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<p style="text-align: center;">02</p> <hr/> <p>18.01.2019</p> <p style="text-align: right;">P/4</p>	<p style="text-align: center;">From the perusal of the above, it is observed that the applicant or his counsel never appeared before the Tribunal from the very beginning though the prescribed date was mentioned there, however, none appeared nor they have taken any steps to know about the subsequent date or fate of the application during 2017 to 2018. Ultimately on 11.01.2019, they have received the certified copy of the order dated 08.09.2017 and has filed the instant MA which clearly shows the latches on the part of the applicant as well as the counsel for the applicant even no document in support of the illness of the counsel for the applicant has been enclosed.</p> <p style="text-align: center;">From the above, it is observed that the prayer of the applicant for compassionate appointment was rejected on the ground for not submitting any application before the authority since the concerned employee died in the year 2002 thus the main purpose of filing the application has become infructuous. Therefore, we are declined to recall the order dated 08.09.2017.</p>	

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<p>02</p> <hr/> <p>18.01.2019</p> <p>sc</p>	<p>Accordingly both the MAs are dismissed.</p> <p>P. RAMESH KUMAR MEMBER (A)</p> <p>URMITA DATTA (SEN) MEMBER (J)</p>	

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P/5 10 ----- 14.09.2018		

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