

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

The Hon'ble Mrs. Urmita Datta (Sen), Member (J)

The Hon'ble Mr. P. Ramesh Kumar, Member (A)

Case No – MA-158 of 2018(OA-698 of 2018).**Om Prakash Sharma. 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>01</p> <p>-----</p> <p>14-11-2018</p>	<p>For the Applicant : Mr.D. K. Mukherjee, Advocate.</p> <p>For the State Respondents : Mr.R. A. Chowdhury, Advocate.</p> <p>Affidavit of service is filed be kept on record.</p> <p>The instant application has been filed basically praying for compassionate appointment due to the death of the mother of the applicant who died on 13-09-1999 and leaving behind 4 children. According to the applicant he made representation but not able to satisfy us when he made the said representation. However as per the applicant, his case was put before the 3 men's Inquiry Committee, which was constituted vide memo dated 11-09-2008 for verification of the genuinity and justification of the claim of 7 candidates wherein his name was against the</p>	

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	<p>item no. 6. According to the applicant, the 3 men's committee had recommended in favour of him. However till date no appointment letter has been issued. Being aggrieved with he has filed the instant application. The applicant has also filed one application for condonation of delay wherein he has stated that due to unintentional delay he could not file the instant application within the prescribe time limit under the Administrative Tribunal Act, 1985.</p> <p>The Counsel for the respondent has raised the preliminary objection on the ground for inordinate delay as this is the case of compassionate appointment and main cause of action arose in the year 1999. However even if it has to be accepted that his case was considered by the Inquiry Committee in the year 2008 even then he has filed the instant application after 10 years and that too without any cogent reason for such delay. Therefore he has prayed for dismissal for both MA and OA.</p>	

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	<p>Heard both the parties and perused the record. It is noted that the applicant's mother died in the year 1999 but the applicant does not enclose any application, where from it can be ascertain that he had filed the representation for compassionate appointment before the authority. Even if, we accept that his case was considered by the authority in the year 2008 for the purpose of genuineness and justification of his claim however in that case no decision was communicated to him, since it is a case of compassionate appointment and not being the matter of right and he could have approached this Tribunal much earlier. However he has waited for 10 years and has filed the instant application on 30th August, 2018. Moreover no cogent reason has been shown in the application for condonation of delay. Therefore the very purpose of the compassionate appointment has become frustrated as held by the Hon'ble Apex Court due to lapse of long time.</p>	

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Mihir	<p>In view of the above, we do not find any reason to entertain MA for condonation of delay. Therefore MA is rejected. Consequentially the OA is also dismissed in view of the above observation.</p> <p>P. RAMESH KUMAR MEMBER(A)</p> <p>URMITA DATTA (SEN) MEMBER(J)</p>	