

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-42 of 2018 (OA-369 of 2017).Sabitri Jana + Anr. 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>02</p> <hr/> <p>26/07/2018</p>	<p>For the Applicants : Mr. Kinkar Kumar Bhattacharjee, Advocate.</p> <p>For the State Respondents: N o n e</p> <p><i>Affidavit of service filed be kept on record. The instant application has been filed praying for recalling of the order dated 05.03.18 by which the application was dismissed for default. In the instant application, the counsel for the applicant has submitted that due to his illness on and from 28.02.2018, the Learned Advocate could not appear before this Tribunal on 05.03.18 and on this ground application was dismissed for default. However, while going through the application as well as the orders in OA, it is noted that no such medical certificate has been annexed in support of his contention. Moreover, the counsel for the applicant was absent on 03.05.17, 13.09.17, 26.10.17, 25.01.18 and 05.03.2018. Therefore, the counsel for the applicant was successively absent since the first day of hearing.</i></p> <p><i>It is further noticed that the original application was filed praying for a direction upon</i></p>	

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	<p><i>the authority to grant compassionate appointment in favour of the applicant No.2 as the father of the applicant No.2 died on 25.01.2011. According to the applicants, thereafter, the applicant no.1 made a representation before the Director of Health Services on 12.09.11 (Annexure-B) and thereafter on 16.05.16 (Annexure-D) followed by another representation dated 06.02.17 (Annexure-E). As they did not get any response from the authority being aggrieved they filed the instant original application.</i></p> <p><i>We have perused the records as well as documents filed by the applicants and we find that there is no receipt of representation dated 12.09.11. However, the representation dated 16.05.16 was received by the authority on that date. Subsequently, representation dated 25.01.17 sent through speed post dated 06.02.17.</i></p> <p><i>It is well settled principles of law that repeated representations cannot keep alive the limitation and from the perusal of the documents, it transpires that representation dated 12.09.11, there is no receipt of the representation dated 12.09.2011. Thus, he had submitted first representation in the year 2016 only. Therefore, the application is also hopelessly barred by limitation, as the main</i></p>	

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GM	<p><i>purpose of granting the compassionate appointment has already been frustrated due to the efflux of time since the cause of action in the year 2011 and the repeated representation was made before the authority from 2016 onwards only.</i></p> <p><i>In view of the above, we do not find any reason to entertain the instant application for restoration of the original application. Accordingly, the instant MA is dismissed with the above observation as no order as to cost.</i></p> <p style="text-align: center;">P. RAMESH KUMAR MEMBER(A)</p> <p style="text-align: center;">URMITA DATTA (SEN) MEMBER(J)</p>	