

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

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

OA-490 of 2018

Uttam Kumar Mondal

Vs

The State of West Bengal & Ors.

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><u>02</u> 18.09.2018</p>	<p>For the applicant : Mr. Sufi Kamal, Learned Advocate.</p> <p>For the respondent : Mr. M.,N. Roy, Mr. G. Halder, Learned Advocates.</p> <p>The instant application has been filed praying for following relief :-</p> <ol style="list-style-type: none"> 1. A mandatory direction is issued upon the concerned respondent authorities to provide appointment to the applicant in the post of Constable in Kolkata Police under died in harness category. 2. A direction be given to the concerned authorities to forthwith produced and/or to cause to be produced the entire records relating to the applicant's case so after perusing the same a conscionable justice may e done to the applicant. 3. And/or to pass such other or further order or orders as your Lordship may deem fit and proper. <p>As per the applicant, his father died on 07.02.1999</p>	

ORDER SHEET

Form No.

Uttam Kumar Mondal

Vs.**The State of West Bengal & Ors.**

Case No. OA-490 of 2018

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;">02</p> <hr/> <p style="text-align: center;">18.09.2018</p> <p>Page /2</p>	<p>when the applicant was two years old. Thereafter, the mother of the applicant made an application on 19.08.1999 praying for employment for herself for her minor son. The applicant was directed to be informed and to be present in Police Training College on 17.12.2011 for written examination for the post of Constable/Sepoy in Kolkata Police under exempted category vide communication dated 10.12.2011. As per the applicant, he appeared but till date no further steps has been taken. Being aggrieved, he has filed this instant application.</p> <p style="text-align: center;">It is noted that as per the applicant, he appeared for written examination on 17.12.2011 and thereafter he personally enquired about the status of his application for compassionate appointment. However, he approached this Tribunal on 29.06.2018 only i.e. after 7 (seven) years. However, in the paragraph 5 of the instant application, he has stated that the application is within the prescribed limitation period under Section 21 of the Administrative Tribunal Act. He has also placed one judgement reported on 2012 CHN (Cal) 4298 and has</p>	

ORDER SHEET

Form No.

Uttam Kumar Mondal

Vs.**The State of West Bengal & Ors.**

Case No. OA-490 of 2018

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;">02</p> <hr/> <p>18.09.2018</p> <p>Page /3</p>	<p>submitted that there is no bar on limitation if any application has been filed after a long time.</p> <p style="text-align: center;">Heard the applicant and perused the records as well as the judgement. From the perusal of the judgement, it transpires the aforesaid judgement relates to an application made before the authority for compassionate appointment after a long gap of time as there is no specific rule of limitation for filing of an application before the authority. Therefore, Hon'ble High Court had directed to consider his case. But the aforesaid judgement is quite different. The instant application has been filed after seven years before this Tribunal, even the applicant has not filed any application for condonation of delay neither he has explained any reasons for such delay. Section 21 of the Administrative Tribunal Act, 1985 has clearly stipulates that to approach before this Tribunal, i.e. one year from the date of cause of action and in the instant case, the application has been filed after seven years.</p> <p style="text-align: center;">In view of the above, the aforesaid judgement is quite distinguishable. Accordingly, the</p>	

ORDER SHEET

Form No.

Uttam Kumar Mondal

Vs.**The State of West Bengal & Ors.**

Case No. OA-490 of 2018

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;">02</p> <hr/> <p>18.09.2018</p> <p style="text-align: left; margin-top: 100px;">SC</p>	<p>instant application is dismissed being hopelessly barred by limitation under Section 21 of Administrative Tribunal's Act with no order as to costs.</p> <p style="text-align: center; margin-top: 100px;"> P. RAMESH KUMAR MEMBER(A) </p> <p style="text-align: center; margin-left: 150px; margin-top: 100px;"> URMITA DATTA (SEN) MEMBER (J) </p>	

ORDER SHEET

Form No.

Uttam Kumar Mondal

Vs.**The State of West Bengal & Ors.**

Case No. OA-490 of 2018

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/4 10 ----- 14.09.2018		

ORDER SHEET

Form No.

Uttam Kumar Mondal

Vs.**The State of West Bengal & Ors.**

Case No. OA-490 of 2018

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/5 10 <hr/> 14.09.2018		

ORDER SHEET

Form No.

Uttam Kumar Mondal

Vs.**The State of West Bengal & Ors.**

Case No. OA-490 of 2018

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
sc		