

**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 – OA-1175 of 2017.Sadhan Murmu. 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>28/08/2018</p>	<p>For the Applicant : Md. Nure Zaman; Md. Shahid. Advocates.</p> <p>For the State Respondents: N o n e</p> <p><i>The instant application has been filed mainly praying for compassionate appointment. According to the applicant, his father died on 07.01.2001 leaving behind his widow, three daughters and one son. Thereafter, the applicant's sister Smt. Kalomoni Murmu made an application on 26.02.2001 and at that time the applicant was minor. However, the said application was not considered. Thereafter, since the sister got married, the applicant, after attaining the majority, made an application for compassionate appointment on 29.08.2006 (Annexure C). However, according to the applicant till date his prayer has not been considered. Being aggrieved with, he has filed the instant application. It is noted that the application is hopelessly barred by limitation since the father died in 2001 and though thereafter the sister of the applicant applied for compassionate appointment. However, since she got married and thereafter the</i></p>	

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Sadhan Murmu.

Form No. ....

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GM	<p><i>applicant after attaining the majority approached the authority in 2006. However, according to the applicant this case was not considered by the authority and he has filed the instant application in 2017. According to the counsel for the applicant, it was a continuous cause of action since the case is pending before the authority. From the above, it is crystal clear that the cause of action arose in 2001. Even if we have to accept the contention of the applicant that after attaining the majority, the applicant approached the authority in 2006, even then he has approached this Tribunal after 11 years. Therefore, as per Section 21 of the Administrative Tribunal Act 1985, the application is hopelessly barred by limitation. Even, no such application for condonation of delay has been filed. No cogent reason has been shown for such delay except making the submission that this is a continuous cause of action. Therefore, we are unable to entertain the OA being hopelessly barred by limitation. Accordingly, <b>OA is dismissed.</b></i></p> <p><b>P. RAMESH KUMAR</b> <b>MEMBER(A)</b></p> <p><b>URMITA DATTA (SEN)</b> <b>MEMBER(J)</b></p>	