

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

**The Hon'ble Justice Ranjit Kumar Bag  
& The Hon'ble Subesh Kumar Das**

**Case No – OA 170 of 2018.**

**Sasthi Biswas – 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>01 18.04.2018.</p>	<p>For the Applicant : Mr. U. Majumdar, Ld. Adv.</p> <p>For the Respondent No. 4 : Mr. G.P. Banerjee, Ld. Adv.</p> <p>For the State Respondent Nos. 1,2 : Mr. S. Bhattacharjee, Departmental Representative of L &amp; LR Department.</p> <p>The applicant appeared in West Bengal Civil Service (Executive) Examination, 2000 and his name was recommended by the West Bengal Public Service Commission for the post of Subordinate Land Revenue Service, Grade –I under the Department of Land &amp; Land Reforms, Government of West Bengal on November 28, 2001. The contention of the applicant is that he duly filled up the Verification Roll for police verification, but the appointment letter was not issued in favour of the applicant till date. On August 20, 2013, the applicant submitted one application before the Hon'ble Minister in- charge of the Department of Land &amp; Land Reforms, Government of West Bengal, whereby the applicant has admitted that he appeared in Madhyamik</p>	

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	<p>Examination initially in the year 1982 and thereafter in the year 1993 and two different dates of birth appeared in the admit cards of two Madhyamik Examinations.</p> <p>Mr. Majumder, Ld. Counsel representing the applicant submits that the representation submitted by the applicant should be considered by the respondents as the respondents have not yet taken any decision in connection with the appointment of the applicant.</p> <p>Mr. Banerjee , Ld. Counsel representing the State Respondents has produced copy of some documents wherefrom it appears that the date of birth of the applicant is recorded as April 11, 1964 when he appeared in the Madhyamik Examination of 1982, whereas the date of birth of the applicant is recorded as April 12, 1974 when he appeared in the Madhyamik Examination of 1993. Mr. Banerjee further submits that the applicant was found unsuitable for Government service as per report of Police Verification due to pendency of criminal case against the applicant.</p> <p>The copy of the affidavit of the mother of the applicant enclosed with the original application indicates that the applicant appeared in the Madhyamik Examination of the year 1982. Since the date of birth of</p>	

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	<p>the applicant is recorded in the certificate of the Madhyamik Examination of 1982 as April 11, 1964, it is difficult to accept the date of birth of the applicant as April 12, 1974 as disclosed in the said affidavit by the mother of the applicant. Since there is serious dispute with regard to date of birth of the applicant, we cannot persuade ourselves to give any direction to the State Respondents to consider the representation submitted by the applicant.</p> <p>On consideration of the materials on record, we find that the last communication of the applicant with the State Respondents was made on February 18, 2014 (Annexure A-8 to the Original Application) . The applicant has approached the Tribunal by filing the Original Application on March 05, 2018 i.e. almost after four years from the last representation made by the applicant before the Respondent No. 1. In the absence of any explanation of the delay of four years in approaching the Tribunal by the applicant from the last representation submitted by him, we are constrained to hold that the present application is barred U/s. 21 of the Administrative Tribunals Act, 1985. In view of our above findings, the Original Application is dismissed.</p>	

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Skg.	<p style="text-align: center;">Let a plain copy of the order be supplied to both parties.</p> <p>(S.K.Das) Member (A)</p> <p style="text-align: right;">(R.K.Bag) Member (J).</p>	

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