

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

Hon'ble Justice Soumitra Pal, Hon'ble Chairman.  
& Hon'ble Mr. P. Ramesh Kumar, Administrative Member.

Case No. OA 52 of 2019.

SUBHASISH 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 style="text-align: center;">2</p> <hr/> <p>20.2.2019.</p>	<p>For the Applicant : None.</p> <p>For the State Respondent : None.</p> <p>Since even on second call, none appears on behalf of the applicant, we proceed to take up the matter in view of rule 16(1) of the West Bengal Administrative Tribunal (Procedure) Rules, 1994.</p> <p>In this application the applicant has prayed for a direction upon the respondent authorities to appear in the interview for the post of Group D in the Irrigation and Waterways Department. It appears that the selection process took place in the year 2008. The applicant has relied on a judgement of the High Court delivered on 29<sup>th</sup> January, 2008 passed in WPST No. 473 of 2008 annexed to the original application, the relevant portion of which is as under :-</p> <p style="text-align: center;"><i>".....The petitioners shall be allowed to participate in the selection process along with other eligible candidates and the respondents concerned are directed to allow the petitioners to participate in the interview provided they fulfil eligibility criteria and if the post is reserved, they must belong to the reserved</i></p>	

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	<p><i>category, irrespective of their names being sponsored by the employment office concerned. However, this order is passed without prejudice to the rights and contentions of the parties and participation of the petitioners, in terms of this order, will not create any equity and will abide by the result of the application filed before the learned Tribunal.</i></p> <p><i>This order will remain operative till 31<sup>st</sup> January, 2008. All points are kept open and the respondents will be at liberty to agitate all the points before the learned Tribunal. It is made clear that this order is passed purely as an interim measure and in the event the petitioners are found to be suitable then their appointment should be deferred and accordingly ten posts shall be kept vacant for this purpose...".</i></p> <p>Since the order relied on was operative till 31<sup>st</sup> January, 2008 and since the applicant therein was allowed to participate in the selection process along with the eligible candidates, the applicant cannot now rely on the said judgement and order. Moreover, as the cause of action, if any, arose in the year 2008 and as repeated representations filed by the applicant cannot stretch the</p>	

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Skg.	<p>period of limitation, it is hit by section 21(1)(b) of the Administrative Tribunals Act, 1985. Therefore, no order is passed on the application. The application is dismissed.</p> <p>(P. Ramesh Kumar) Member(A).</p> <p>(Soumitra Pal) Chairman.</p>	