

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

The Hon'ble Urmita Datta (Sen) Member (J) & OA-590 of 2015
 Hon'ble P. Ramesh Kumar, Member (A)

Arabinda Bhandari 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>08</u> 19.07.2018</p>	<p>For the applicant : Mr. Aditya Naskar, Learned Advocate.</p> <p>For the respondent : Mr. Sankha Ghosh, Learned Advocate.</p> <p>The instant application has been filed by the applicant praying for a direction upon the respondents to consider the applications of the applicant dated 24.08.2009 for grant of compassionate appointment on the death of his father Satyaranjan Das. According to the applicant, he was adopted through Deed of Adoption dated 19.06.2009 by Satyaranjan Das, who was unmarried at the time of death. After the death of the adopting father, the applicant applied for the compassionate appointment. He made representation on 24.08.2009. Thereafter, he again filed another representation on 14.09.2012. However, in the meantime, the respondent authority has forwarded his application to the Deputy Director of Agriculture (Administration) Malda for necessary action vide letter dated 04.12.2009. But till date, from the date of filing of this application no action has been taken. Being aggrieved, he has filed this instant application.</p>	

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<p style="text-align: center;">08 19.07.2018</p>	<p style="text-align: center;">The counsel for the respondent has raised preliminary raised objection regarding maintainability of this application on the ground of limitation as the so called father of the applicant died in the year 2009 but the applicant has preferred his application in the year 2015 only. Therefore, there is a clear case of limitation of more than five years.</p> <p style="text-align: center;">We have heard the parties and perused the records. It is noted that at paragraph 5 the application it has been clearly stated that the application is within limitation whereas from the perusal of the record and documents it is found that the so called father of the applicant died in the year 2009 and according to the applicant, he preferred an application before the authority dated 24.08.2009 but has filed the instant application in the year 2015 only. Though, as per the applicant he has filed another representation in the year 2012 but we are not convinced with such submission as on the face of record, the application is hopelessly barred by limitation. Even if the applicant had made representation in the year 2012 but he has filed the</p>	

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<p style="text-align: center;">08 19.07.2018</p> <p style="text-align: center;">sc</p>	<p>instant application three years after the said representation. Moreover, it is settled law that repeated representations cannot keep alive the limitation and in the instant case the applicant has not even filed any application for condonation of delay rather he has made a wrong statement in the averment that the application is within limitation.</p> <p style="text-align: center;">In view of the above, we are unable to entertain the application which is hopelessly barred by limitation as observed in the aforesaid paragraphs. Accordingly, OA is dismissed. No order as to costs.</p> <p style="text-align: center;">P. RAMESH KUMAR MEMBER (A)</p> <p style="text-align: center;">URMITA DATTA (SEN) MEMBER (J)</p>	

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