

**ORDER SHEET**  
**West Bengal Administrative Tribunal**

Present.-  
The Hon'ble Justice Ranjit Kumar Bag  
&  
The Hon'ble Dr. Subesh Kumar Das

**Case No. OA 672 of 2019**

Jagannath Mahato

Versus

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
04 <hr/> 04/02/2020	<p><b>For the Applicant</b> : Mrs. S. Agarwal, Learned Advocate.</p> <p><b>For the Respondent</b> : Mr. S. Ghosh, Learned Advocate.</p> <p>The applicant has prayed for direction upon the respondents for giving him pay protection w.e.f. April 01, 1999 till February 28, 2002.</p> <p>The applicant joined in the service as Non-Medical Technical Personnel (NMTP) on January 06, 1967 and retired from service as Social Welfare Officer at Simlapal Block Primary Health Centre on February 28, 2002. The applicant previously approached this Tribunal by filing OA No. 324/2015 praying for direction to give him pay protection, but the said application was dismissed as not pressed on December 03, 2018. Subsequently, on March 19, 2019, the applicant submitted one representation before the Respondents Nos. 2, 3 &amp; 4 praying for grant of pay protection in his favour w.e.f. April 01, 1999.</p> <p>Having heard Learned Counsel representing both parties and on consideration of the materials on record, we find that the applicant was appointed by the Chief Medical Officer of Health, Bankura. The Gradation List produced by the applicant in support of</p>	

**ORDER SHEET – (Continuation)**

Form No.

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Csm	<p>the claim for pay protection by fixation of pay at par with his juniors, indicates that the officers who are claimed to be juniors of the applicant in the said Gradation List belong to the district of un-divided Midnapore. The applicant being the Officer of the district cadre of Bakura cannot compare his seniority for pay protection with another Officer of the district cadre of Midnapore and as such the present application is misconceived. Moreover, the representation was submitted by the applicant after dismissal of the original application No. 324/2015 praying for pay protection after almost 20 years of arising of the cause of action. He has approached this Tribunal on August 29, 2019 i.e. after 20 years of arising of cause of action. This inordinate delay of 20 years has not been explained by the applicant to our satisfaction. The application is, thus,</p> <p>clearly barred u/s 21 of the Administrative Tribunals Act, 1985.</p> <p>In view of our above observations, the original application is <b>dismissed</b>.</p> <p><b>S. K. DAS</b> <b>MEMBER(A)</b></p> <p><b>R. K. BAG</b> <b>MEMBER(J)</b></p>	