

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

**The Hon'ble JUSTICE RANJIT KUMAR BAG
& The Hon'ble DR. SUBESH KUMAR DAS**

Case No – OA 778 OF 2018

Nityananda Pal 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;">01</p> <hr/> <p>19.12.2018</p>	<p><i>For the Applicant : Mr. A. Roy Chowdhury, Learned Advocate.</i></p> <p><i>For the State Respondents : Mrs. S. Agarwal, Learned Advocate.</i></p> <p style="text-align: center;"><i>The applicant has prayed for direction upon the respondents to grant him post facto appointment in the post of Assistant Fishery Officer w.e.f. November 01, 1965 to May 13, 1976 and by treating the officiating order for promotion to the post of Fishery Extension Officer as a transfer order from the post of Assistant Fishery Officer to Fishery Extension Officer after quashing of impugned letter dated May 11, 2018 issued by the Additional Director of Fishery, West Bengal.</i></p> <p style="text-align: center;"><i>It appears from the materials on record that the applicant joined in the post of Research Assistant by virtue of order dated October 15, 1965 issued by Director of Fishery, Government of West Bengal. In the year 1971, the applicant got the pay scale of Assistant Fishery Officer and ultimately retired from service on October 31 2001. The contention of the applicant is that the applicant submitted one representation through proper channel</i></p>	

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before the Director of Fishery, West Bengal praying for fixation of his seniority as Assistant Fishery Officer from the date of his joining from the post of Research Assistant in the draft gradation list on August 10, 2000. The further contention of the application is that prayer of the applicant was ultimately turned down by the Additional Director of Fisheries, West Bengal on May 11, 2018 (Annexure I to the original application).

With the above factual matrix, Learned Counsel for the applicant contents that the prayer of the applicant for up-gradation of pay scale was forwarded by the Assistant Director of Fisheries to the Director of Fisheries on February 21, 2017 and ultimately prayer of the applicant was turn down on May 11, 2018. Having heard Learned Counsel representing both parties and on consideration of the materials on record, we find that the representation submitted by the applicant for fixation of seniority with retrospective effect from the date of joining in the post of Research Assistant was submitted by the applicant on August 10, 2000, whereas the impunged letter dated May 11, 2018 issued by the Additional Director of Fisheries, West Bengal relates to Memo No. 906 - Fish dated April 06, 2018. This impunged letter dated May 11, 2018 can by no stretch of imagination be construed to have been issued in connection with the representation submitted by

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the applicant on August 10, 2000. Moreover, the impugned letter dated February 21, 2017 issued to the Director of Fisheries, West Bengal by the Assistant Director of Fisheries is in connection with Memo No. 536 dated January 13, 2017 and as such the said letter also cannot be in response to the representation submitted by the applicant on August 10, 2000. The natural corollary of our above observation is that the applicant has never pursued the representation submitted on August 10, 2000 from the date of submission of the representation till the year 2017 when the impugned letter dated February 21, 2017 (Annexure H) was issued and the impugned letter dated May 11, 2018 (Annexure I) was issued. There is an inordinate delay of almost 17 years on the part of the applicant in approaching the Tribunal for redressal of his grievances. The applicant has approached the Tribunal for redressal of his grievances long after 17 years of his retirement from service. This inordinate delay has not been explained to our satisfaction by the applicant either by filing a separate application under Section 21 (3) of the Administrative Tribunals Act, 1985 or by submitting relevant documents in this regard and explaining the said delay in the original application itself. Accordingly, the present application is clearly barred under Section 21 of the Administrative Tribunals Act, 1985.

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<p><i>H.S</i></p>	<p><i>As a result, the original application is dismissed.</i></p> <p><i>Let a plain copy of the order be supplied to both parties.</i></p> <p>(S.K.DAS) Member (A)</p> <p>(R.K.BAG) Member (J)</p>	
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