

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

The Hon'ble Justice Soumitra Pal (Chairman)
& The Hon'ble Mr. Subesh Kumar Das (Administrative Member)

Case No –OA 1301 OF 2013

DR. ASHIM KR. DAS 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>20</p> <hr/> <p>04.12.2018</p> | <p>For the Applicant : Mr. S. N. Ray Advocate</p> <p>For the Respondents: Mr. S. Ghosh Advocate</p> <p>Though the matter has appeared in the list under the heading “To Be Mentioned”, Mr. S.N. Ray, learned Advocate for the applicant submits that the matter may be heard which is not opposed by Mr. S. Ghosh, learned advocate for the State respondents, in his usual fairness.</p> <p>In this application, the applicant, Dr. Ashim Kumar Das, has stated that he was appointed as Medical Officer on 13th October, 1982 and was confirmed on 13th October, 1985. It has been stated that during his tenure, due to ill health and other personal grounds, he could not attend his duties and he remained absent till his date of superannuation. According to the applicant his date of superannuation was 4th November, 2011. The applicant also stated that before his retirement neither any departmental proceeding was initiated nor any notice of superannuation was served. Prayer is for a direction upon</p> | |

ORDER SHEET

| 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>the respondents to release retiral benefits including pension.</p> <p>In this application, the applicant has not stated when he had last attended office and there are no particulars about his attending offices and he has not stated about his status at the last attending office.</p> <p>We find that on 3rd February, 2016, leave was granted to the applicant to file supplementary affidavit. Since it was not complied with, further leave was granted on 4th April, 2016 to file supplementary affidavit. Ultimately, supplementary affidavit was filed on 9th August, 2016. In the supplementary affidavit, we find there is neither any mention about status of the applicant nor any mention when he had last attended office. It appears from the said supplementary affidavit that in an appeal filed by the applicant, that is, FMA 2581 of 2002, the Division Bench of the Calcutta High Court, on 14th October, 1993, had disposed of the same by staying the order of transfer. The applicant was granted liberty to submit a representation within three days and the respondent authorities were directed to dispose of the same within three weeks from the date of filing of the representation. It appears from the said order that the applicant was at liberty to continue at the then posting at Alipore until the consideration of the representation. It</p> | |

ORDER SHEET

| 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 |
|---------------------------------------|---|--|
| SCN. | <p>has not been stated whether the applicant had filed the representation and if filed what was the outcome of the said representation. It has not been stated that what was the nature of posting at Alipore in 1993. Since we find that this applicant is bereft of particulars about the service career of the applicant and the supplementary affidavit also does not disclose the details of his service career, no order can be passed on this application. Moreover, we find that since the cause of action arose in the mid 1990s, it is hit by Section 21 of the Administrative Tribunals Act, 1985 which prescribes period of limitation for filing an application before the Tribunal. So, in view of the above no order can be passed on this application as it is without merit and hence dismissed.</p> <p>(S.K. Das) MEMBER (A)</p> <p>(Soumitra Pal) CHAIRMAN</p> | |