

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

**The Hon'ble Justice Soumitra Pal
& The Hon'ble Subesh Kumar Das**

Case No –OA 255 OF 2017

Jagat Bandhu Biswas 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>8</p> <hr/> <p>03.07.2019</p>	<p>For the Applicant : Mr. C. Misra, Advocate.</p> <p>For the Respondents : Mr. A.L. Basu, Advocate.</p> <p>Let rejoinder filed be kept on record.</p> <p>In this application, the applicant, who was appointed in the post of Live Stock Development Assistant under the Directorate of Animal Resources Development and Animal Health, Government of West Bengal in the year 2008 and had superannuated in the year 2016, has prayed for a direction upon the respondents to count his service period from the date of joining training on 1st June, 1997 or from the date when the empanelled candidates were appointed in the post of Live Stock Development Assistant under the Directorate.</p> <p>The matter was admitted. Directions were issued to file reply and rejoinder. Reply and rejoinder have been filed and are on record. It is submitted by Mr. C. Misra, learned advocate appearing on behalf of the applicant, that since after the selection process the applicant was empanelled in the year 1997 and had undergone one year training at different centres from 1st March, 1997 to 30th November, 1997 and in spite of vacancies in the departments the state authorities did not appoint and ultimately he was appointed in the year 2008, appropriate order as prayed for may be passed. Though It is submitted that superseding the applicant some candidates have been appointed, we find from the</p>	

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	<p>rejoinder no details have been furnished and the statements relating thereto are vague.</p> <p>It appears from the reply filed on behalf of the respondents that though at the relevant point of time there were 96 vacancies in the post of Live Stock Development Assistant, however 102 candidates were selected for training. After completion of training, according to merit evaluation was made. Since the serial number of the applicant in the evaluation was beyond 96 he was not given appointment and as soon as vacancies were available all the trainees from serial number 97 to 102 were appointed. After the appointment letter was given, the applicant accepted it, joined the post and discharged his duties till his superannuation in 2016 without any objection. It has been further stated in reply that since cause of action arose in the year 2008 and since this application has been moved in 2017, it is barred by the limitation prescribed under Section 21 of the Administrative Tribunals Act, 1985. It appears from paragraph 5 sub-paragraph XI of the application that the applicant along with other candidates had filed an application, being OA 6368 of 1998, alleging discrimination in the case of appointment. The matter came up for hearing and ultimately, as evident from page 26 of the application, the matter was dismissed on 6th January, 2001 on the prayer of the applicants, which included the applicant herein, for non-prosecution.</p> <p>It appears that the cause of action, if any, arose in the year 2008 and no ground has been shown why the application has been moved in the year 2017. Thus, it infringes limitation prescribed under Section 21 of the 1985 Act. Moreover, since the applicant in</p>	

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RB/CSM/SS	<p>the year 1998 had filed an application praying for certain reliefs and on the submission on behalf of the applicant the matter was dismissed for non-prosecution without seeking liberty to move afresh, this application is not tenable and hence, for the reasons as aforesaid no order can be passed in this application. Therefore the original application is dismissed.</p> <p>Let a plain copy of the order be supplied to both sides.</p> <p>S. K. DAS MEMBER(A)</p> <p>SOUMITRA PAL CHAIRMAN</p>	

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