

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

The Hon'ble Mrs. Urmita Datta (Sen), Member (J)

The Hon'ble Mr. P. Ramesh Kumar, Member (A)

Case No – OA-424 of 2016.**Masud Karim Alam. Vs The State of West Bengal & Others.**

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>03</p> <p>-----</p> <p>20-09-2019</p>	<p>For the Applicant : Mrs.S. Mitra, Advocate.</p> <p>For the State Respondents : Mr. A. De, Mrs. R. Sarkar, Departmental Representatives.</p> <p>Affidavit of service has been filed be kept on record.</p> <p>The instant application has been filed praying for the following reliefs :-</p> <p>a) An order directing the respondents, their agents, subordinates and successors, to rescind, cancel and withdraw he impugned Memo dated 07-10-2013 issued by the respondent no. 2 communicated with letter dated 22-05-2015 being Annexure – F to this application and further</p>	

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	<p>directing the respondents to give compassionate appointment to the petitioner under died-in-harness category in a post commensurate to his educational qualification forthwith.</p> <p>b) An order directing the respondents, their agents, subordinates and successors to produce all records and proceedings so that conscionable justice may be administered by granting the relief as hereinabove;</p> <p>c) To pass such other or further order or orders as to the Hon'ble Tribunal may deem fit and proper;</p> <p>As per the applicant, his father died on 21-08-2011 leaving behind the applicant, one married daughter and his wife. However the applicant approached the authority for compassionate appointment and his case was rejected vide communication dated 07-10-2013 on the ground that the family income of 2(two)</p>	

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	<p>dependent members of the family was Rs. 21,878 + having 7.18 acre of agricultural land .Therefore the family is having sufficient means of livelihood as there is no financial distress condition, the case of the applicant was not found fit. Being aggrieved with, he has filed the instant application.</p> <p>However, the Counsel for the departmental representatives for the respondents have raised the preliminary objection on the point of limitation as the said order dated 07-10-2013 and has already been communicated to the applicant on 10-01-2014 (Annexure-F) and the instant application has been filed on 08-04-2016. Therefore the application is hopelessly barred by limitation. As per the respondent, the father of the applicant died at the age of 58 years. As per the applicant, he made a RTI application to provide him proforma application to fill up and which was served by him. It is noted that the father of the applicant died in 2011 and the case of the applicant has already been rejected on 07-10-</p>	

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Mihir	<p>2013 and had already communicated to him on 10-01-2014. Therefore the application is obviously barred by limitation as per Section 21 of the Administrative Tribunal Act, 1985. However the father of the applicant died at the age of 58 years and even no application or explanation for condonation of delay has been filed. Accordingly, the OA is dismissed being barred by limitation.</p> <p>P. RAMESH KUMAR MEMBER(A)</p> <p>URMITA DATTA (SEN) MEMBER(J)</p>	