

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – OA 570 OF 2019

Kanika Majumder 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
2 05.09.2019	<p>For the Applicant : Mr. Sk. A. Ali, Learned Advocate.</p> <p>For the State Respondents : Mr. S. Ghosh, Learned Advocate.</p> <p>The applicant has prayed direction upon the respondents for granting benefit of promotion of her deceased father.</p> <p>The applicant is the daughter of one Bibhuti Bhusan Majumder who joined in the service on October 30, 1962 and retired from service on November 30, 1999. He died on March 29, 2010 and the present applicant is getting family pension after the death of her father. The contention of the applicant is that her father is entitled to get financial benefit after his promotion to the post of Health Inspector in terms of order dated July 20, 2000 issued by the Assistant Director of Health Services (Administration), Directorate of Health Service, Government of West Bengal.</p> <p>Having heard Learned Counsel representing both parties and on consideration of the entries made in the service book of Bibhuti Bhusan Majumder, we find that he joined in the service as Surveillance Worker. He got benefit of Career Advancement Scheme (CAS) on completion of 10 years of service in terms of G.O. by which the applicant was governed at the relevant period of time w.e.f. April</p>	

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1, 1989. Long after almost ten years of retirement of the applicant, the order was issued by the Assistant Director of Health Services (Administration) on July 20, 2000 to the effect that the Technical Assistants who got promotion from Grade III to Grade II are redesignated as Health Inspector and thereby the benefit of CAS under ROPA Rules, 1990 granted to the said employees for completion of 10 / 20 years of service is deemed to have been cancelled and their cases will be re-examined for granting them benefit of CAS for completion of satisfactory service of 20 years. This order was issued on July 20, 2000 and the father of the applicant died on March 29, 2010 without pursuing the remedy during his life time. After lapse of almost nine years of death of the father of the applicant, the applicant has prayed for the said benefit of service of her father in terms of order dated July 20, 2000 (annexure P-2 to the original application). Even assuming for argument's sake that the benefit, if any, accrued to the father of the applicant in terms of the order dated July 20, 2000 is a continuing cause of action, the said cause of action has come to an end on the date of death of the father of the applicant on March 29, 2010. No explanation is forthcoming as to why the present applicant waited for almost nine years after the death of her father for approaching the Tribunal for getting the benefit of her father which might have accrued in terms of order dated July 20, 2000.

Accordingly, we are of the view that the present application is clearly barred under Section 21 of the Administrative Tribunals Act, 1985. The applicant is, thus, not entitled to get any relief in the

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present application. The present application is, thus, dismissed.

Let a plain copy of the order be supplied to both parties.

S. K. DAS
MEMBER(A)

R. K. BAG
MEMBER(J)

Rajib

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