

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-89 of 2018.

Chandrama Basfore. 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>06</p> <p>-----</p> <p>16-11-2018</p>	<p>For the Applicant : Mrs. S. Agarwal, Advocate.</p> <p>For the State Respondents : Mr. S. K. Mondal, Advocate.</p> <p>The instant application has been filed mainly challenging the rejection order dated 14-09-2012 issued by the respondent no. 4 on the ground that the applicant made his first representation after almost 4(four) and half years from the date of the death of his father. The applicant thereafter without challenging the same being preferred further representation to the authority and ultimately files the instant application in the year 2018 only.</p> <p>The Counsel for the respondent has raised the preliminary objection on the point of limitation to the instant application under Section 21 of the Administrative Tribunal Act as well as on the ground of merit as the applicant applied for the first time before</p>	

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	<p>the authority after four and half hears. Further he does not possess the requisite qualification for Group-D employee. Therefore, the Counsel for the respondent has prayed for dismissal of the OA. However the Counsel for the applicant has submitted that after rejection of his claim in 2012, he had made further representation in 2013 onwards. Therefore he has prayed that his case may be reconsidered by the authority.</p> <p>Heard both the parties and perused the record. It is noted that the father of the applicant died in the year 2005 leaving behind the applicant, who was major at the relevant point of time. Further the applicant approach the authority after 4(four) and half years, which fact has not been controverted by the applicant either in his subsequent representation or in the instant application. Moreover the applicant has filed this instant application after long 6(six) years from the date of passing of the impugned order that too without any application for condonation of delay showing any cogent reason for such delay. As the claim</p>	

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Mihir	<p>of the applicant was rejected on merit for not having required qualification for such post. Therefore, the main purpose of the compassionate appointment has already been frustrated and we do not find any reason to interfere with the decision of the respondent. Accordingly the OA is dismissed on the point of limitation as well as being devoid of merit.</p> <p>P. RAMESH KUMAR MEMBER(A) URMITA DATTA (SEN) MEMBER(J)</p>	