

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Present-**

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

Case No – **OA 157 OF 2017**

**Gobinda Prasad Banerjee 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 style="text-align: center;"><b>06</b> <b>11.07.2018</b></p>	<p><b>For the Applicant</b> : Mr. M.N. Roy, Mr. G. Halder, Learned Advocates.</p> <p><b>For the Respondents</b> : Mr. S. K. Chakraborty, Learned Advocate.</p> <p>The applicant joined in the post of Stockman under the Directorate of Veterinary Services on December 4, 1967 and he retired on April 1, 2006. The contention of the applicant is that he was denied the pay which was drawn by his immediate junior and pay protection was not given to the applicant in spite of repeated requests. The present application is filed on February 20, 2017 praying for direction upon the respondents to give pay protection by fixing pay which was given to his immediate junior in the gradation list. The applicant was well aware of his less pay continuously from the date of denial of equal pay to the applicant from the date when his junior was given higher pay till the date of retirement on April 1, 2006. No cogent reason is forthcoming before the Tribunal as to why the applicant did not approach the Tribunal from April 1, 2006 to February 20, 2017 and this delay of almost 11 years has not been explained by the applicant.</p> <p>Learned Counsel for the applicant submits that the applicant can approach at any time before the Tribunal as the cause of action is continuing till date.</p>	

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Form No. ....

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We are unable to accept the contention of the applicant as in our view the cause of action must have ended on the date of retirement of the applicant on April 1, 2006. Since the applicant has not approached the Tribunal within a period of one year from the date of his superannuation, the present application is clearly barred under section 21 of the Administrative Tribunal Act, 1985.

In view of our above observation, the original application is **dismissed**.

**( S.K. DAS )**  
MEMBER(A)

**( R. K. BAG )**  
MEMBER (J)

Sanjib