

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-539 of 2018.Deb Kumar Mandal. 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>01</p> <p>-----</p> <p>29-08-2018</p>	<p>For the Applicant : Mr. Dilip Kumar Mukherjee, Advocate.</p> <p>For the State Respondents :Mr. Sankha Ghosh, Advocate.</p> <p>Affidavit of service is filed be kept on record.</p> <p>The instant application has been filed praying for compassionate appointment. According to the applicant, the father of the applicant died-in-harness on 07-09-2015 leaving behind his family. The mother of the applicant applied for the compassionate appointment on 16-12-2015 since his application has not been considered till date, being aggrieved with, he has approached this Tribunal.</p> <p>The Counsel for the respondents has</p>	

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	<p>raised the preliminary objection on the point of limitation for compassionate appointment to the applicant. However, the Counsel for the applicant has submitted that due to inaction on the part of the respondents he could not approach this Tribunal. Therefore, delay if any, may be condoned though no formal application for condonation of delay has been filed in the instant case.</p> <p>Heard the parties and perused the record. It is noted that the concern employee died on 07-09-2015, though within stipulated period of time he approached the department but he has approached this Tribunal after a long gap of 3 years. On the ground of long gap, the Counsel for the applicant submitted that due to the inaction on the part of the department he could not approach this Tribunal. We are not at all convince with such submission as there is a clear provision for approaching the Tribunal that if any representation or application could not be considered and thereafter within one year and</p>	

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Mihir	<p>six months he can approach this Tribunal but in the instant case, the applicant approach this Tribunal after 3 years and that to without any formal application for condonation of delay.</p> <p>In view of the above, we are not satisfied with the contention of the applicant to condone limitation.</p> <p>Accordingly, O.A. is dismissed being barred by limitation.</p> <p style="text-align: center;">P. RAMESH KUMAR MEMBER(A)</p> <p style="text-align: center;">URMITA DATTA (SEN) MEMBER(J)</p>	