

**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-988 of 2018.**Sunita Roy + Another. 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 style="text-align: center;">03</p> <p>-----</p> <p>16-04-2019</p>	<p>For the Applicants : Ms.S. Biswas, Advocate.</p> <p>For the State Respondent : Mr.S. N. Roy, Advocate.</p> <p style="text-align: center;">Affidavit of service has been filed be kept on record.</p> <p>The instant application has been filed praying for retrial benefit as well as compassionate appointment of her son, who was minor at the time of death of the Ex-employee. As per the applicant, the employee concerned was appointed in the year 1973. However from 01-10-1979, he was unauthorisedly absence and for which vide order dated 21-10-1982, the authority treated him to be resigned from the service against which was never challenged by the concerned employee during his life time and subsequently he died in 1986. However the present applicant had made an application after a long time in</p>	

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	<p>the year 2010 praying for compassionate appointment as well as pensionary benefit as nothing has been done and the instant application has been filed in the year 2018 only.</p> <p>The Counsel for the respondent has raised the preliminary objection on the point of limitation as well as locus standi of the application as the concerned person was treated as deem to be resigned from the service in the year 1982 and the concerned employee had never challenged the said order. Therefore the applicant has no claim for the pensionary benefit or compassionate appointment.</p> <p>We have heard the parties and perused the records. It is noted that the applicant is suffering from plural remedy i.e. prayer for compassionate appointment as well as the pensionary benefit. Moreover, the application is hopelessly barred by limitation as the concerned person died in the year 1986 and he was treated as resigned from the service in the</p>	

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Mihir	<p>year 1982 vide order dated 21-10-1982, which was never challenged by the concerned employee during his life time as he died in the year 1986.</p> <p>Therefore in our considered view, there is no scope to entertain the instant application both on the ground of limitation as well as on merit. Accordingly, the OA is dismissed with the above observations with no order as to cost.</p> <p><b>P. RAMESH KUMAR</b> <b>MEMBER(A)</b></p> <p><b>URMITA DATTA (SEN)</b> <b>MEMBER(J)</b></p>	