

DL-18

25.08.2023
Court No.5
(AD)

WP.ST 149 of 2019

Renuka Mali
Vs.
The State of West Bengal & Ors.

Mr. Krishnendu Bera

... for the petitioner.

Mr. Tapan Kumar Mukherjee,
Ld. Sr. Advocate & Ld. AGP
Mr. Pinaki Dhole
Mr. Somnath Naskar

...for the State-respondents.

Challenge to the writ petition is the order dated January 14, 2019 passed in OA-912 of 2016.

By the impugned order, the Tribunal dismissed the original application on the ground of limitation.

Initially, the claim for compassionate appointment was made. Such claim received consideration by the Tribunal as well as by the High Court. In the proceedings for compassionate appointment, brother-in-law of the writ petitioner was initially appointed. The appointment of the brother-in-law was ultimately cancelled and the writ petitioner was granted to the appointment on October 1, 1999. The writ petitioner superannuated in 2007. Her prayer for pension was declined on August 22, 2007. The writ petitioner did not serve for a qualifying period to be entitled to the pensionary benefits.

The writ petitioner approached the Tribunal for

pensionary benefits. The Tribunal by the impugned order found that, the prayer for pension was declined by an order dated August 22, 2007. Such order remained unchallenged till the filing of the original application in 2016. The Tribunal returned a finding that, the claim of the writ petitioner was barred by limitation.

The order of rejection is dated August 22, 2007. It remains unchallenged till date.

The writ petitioner approached the Tribunal after expiry of 11 years without showing adequate cause for not challenging the order dated August 22, 2007.

In our view, the Tribunal rightly refused to entertain the original application on the ground of limitation.

In such circumstances, we find no merit in the present writ petition.

WP.ST 149 of 2019 is dismissed without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

