

DL-4

30.08.2023
Court No.5
(AD)

WP.ST 304 of 2013

Krishnadas Bhattacharjee
Vs.
The State of West Bengal & Ors.

Mr. Mukunda Lal Sarkar

... for the petitioner.

Mr. Tapan Kumar Mukherjee,

Ld. Sr. Advocate & Ld. AGP

Ms. Munmun Tewary

Mr. Sanatan Panja

... for the State-respondents.

The writ petition is directed against an order dated February 16, 2010 passed in OA-5788 of 1998 by the West Bengal Administrative Tribunal.

By the impugned order, the Tribunal did not find merit with regard to the claim of the writ petitioner for the pay-scale of Rs.380-910/- with effect from June, 1985.

Learned Advocate for the writ petitioner draws the attention of the Court to the educational qualification of the writ petitioner and other qualifications. He refers to various memo of the State and submits that, the writ petitioner is entitled to pay-scale of Rs.380-910/- with effect from June, 1985.

Learned Senior Advocate appearing for the State points out that, the impugned order dated February 16, 2010 was sought to be challenged by way of a writ petition in 2013 without any explanation for the delay. In any event, he submits that, the impugned order considered all aspects of the claim and rightly negated the same.

Learned Advocate appearing for the writ petitioner in reply submits that, laws of limitation are not attracted so far as a writ petition is concerned.

True, a right to approach the Writ Court under Article 226 of the Constitution of India is not circumscribed by the period of limitation prescribed under the Limitation Act, 1963. However, Courts are not to support an indolent litigant who does not canvass his rights before the appropriate forum within a reasonable span of time.

The grievance of the writ petitioner is denial of a particular scale of pay. He seeks re-working of scale of pay with effect from June, 1985. The claim was made in an original application of 1998 which resulted in the impugned order.

The writ petitioner took thirteen years to approach the Tribunal. The writ petitioner took three years from the date of the impugned order to approach the High Court. The impugned order of the Tribunal is elaborate and well-reasoned. It considers all aspects of the contentions of the writ petitioner and finds that, the writ petitioner did not possess the requisite qualifications as prescribed by the authorities to be entitled to the scale of pay from the period of time that, he claims that, he is entitled to.

An aspect of delay as noted above is also involved which remains unexplained by the writ petitioner.

In such circumstances, we are not minded to interfere with the impugned order.

WP.ST 304 of 2013 is dismissed of without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

