

01.07.2025
(D/L-10)
Ct. No.4
(B.K.N.)

W.P.S.T. 102 of 2025
Dipak Roy Chowdhury
Vs.
The State of West Bengal & Others

Mr. Biswarup Nandy

...for the Petitioner

Mr. Vivekananda Bose, Jr. St. Counsel,
Mr. Kushal Das

...for the State

1. Heard learned counsel for the petitioner and the learned counsel for the State.
2. The petitioner has assailed rejection of his claim for compassionate appointment by an order dated 01.12.2016 passed by the Commission of Textile & Sericulture, West Bengal by filing an Original Application eight years thereafter that is in the year 2024. The Tribunal has rejected the Original Application bearing O.A. 112 of 2024 by its order dated 04.04.2024. A miscellaneous application filed by the petitioner for bringing on record additional documents and additional prayer has also been rejected.
3. The learned counsel for the petitioner submits that the Tribunal has taken a hyper technical approach. Without considering the petitioner's prayer on merit the Original Application has been rejected only on the grounds of being barred by limitation.
4. He submits that after rejection of the petitioner's claim on 01.12.2016 the petitioner made subsequent

representations which were duly forwarded by the authorities and, therefore, counting of limitation from the date of rejection dated 01.12.2016 has resulted in dismissal of the Original Application which is unsustainable in as much as the Tribunal has failed to consider the subsequent representations made by the petitioner.

5. He has placed reliance on an unreported decision of a Division Bench of this Court in the case of ***Deb Kumar Mondal –Vs.- The State of West Bengal & Ors.*** passed in ***W.P.S.T. 67 of 2019*** on 22.07.2019. Referring to the judgment he submits that since the petitioner had made statement regards delay with a view to its condonation in paragraph 3 of the Original Application itself, the same was required to be considered, and limitation condoned by the Tribunal.
6. We have considered the submission of the learned counsel for the petitioner. The petitioner's claim for compassionate appointment was rejected on 01.12.2016. In this connection, the Court is required to consider two provisions under the Administrative Tribunals Act, 1985 namely Section 20 and Section 21. Section 20(1), (2)(a) contemplates that the Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant has availed remedies available to him under the relevant Service Rules as to redressal of his grievances. The provision

contains further stipulation that a person would be deemed to have availed all remedies under the relevant Service Rules for redressal of his grievance if a final order has been made by the authority competent to pass such order by way of rejection of a representation made by such person in connection with the grievance. In the present case the grievance of the petitioner was rejected on 01.12.2016. Therefore, the requirement of Section 20 of the Act appears to be complied with in the present case.

7. After complying with the requirement of Section 20 of the Act there is another bar to admit an application by the Tribunal contained in Section 21 of the Act. Since in the present case the representation has been disposed of by the competent authority to pass orders thereupon the provisions contained in Section 21(1)(a) is relevant for the present case:

“21. Limitation.”-(1) A Tribunal shall not admit an application,-
 (a) in a case where a final order such as is mentioned in Clause (a) of sub-section (2) of section 20 has been made in connection with the grievance unless the application is made, within one year from the date on which such final order has been made;”

8. A plain reading of the provision leaves no room for doubt that one year period of the limitation from the date of passing of the order (01.12.2016) applies in the present case for making an application that may be admitted by the Tribunal.

9. The application was thus required to be made in the Tribunal by December, 2017 that is within a year of the rejection order.
10. The petitioner, however, chose not to assail the rejection order and submitted representations thereafter which were forwarded by the authorities. Such making of representations would not give rise to a fresh cause of action to the petitioner so as to overcome this requirement.
11. In view of the decision relied upon by the petitioner ***Deb Kumar Mondal (supra)*** we have proceeded to examine the cause shown for condonation of limitation in the Original Application filed by the petitioner, rather than insisting that since an application for condonation was not filed there was no scope to examine the issue.
12. It is by now well settled law that making of repeated applications does not enlarge the limitation.
13. In the circumstances, we are not inclined to accept the explanation offered by the applicant in the Original Application for not assailing the rejection order for eight years. The substance of the contention in this regard in paragraph 3 of the Original Application is that the authorities have not looked into the prayer of the applicant for compassionate appointment afresh, meaning thereby that the authorities have not looked into the representation/s

filed subsequent to rejection of his claim on 01.12.2016. As taken note of above, filing of repeated representations after rejection of the claim would not give rise to a new cause of action. We thus find such plea raised in paragraph 3 of the Original Application to be unacceptable so as to overcome the delay of eight years in assailing the rejection order dated 01.12.2016. We in this connection, consider it appropriate to refer to decision of the Apex Court in the case of ***Surjeet Singh Sahni –Vs.- State of Uttar Pradesh and Others*** reported in ***(2022) 15 SCC 536***. In paragraph 8 of the judgment the Apex Court has stated the law in this regard in the following terms:

“8. As observed by this Court in a catena of decisions, mere representation does not extend the period of limitation and the aggrieved person has to approach the Court expeditiously and within a reasonable time. If it is found that the writ petitioner is guilty of delay and laches, the High Court should dismiss it at the threshold and ought not to dispose of the writ petition by relegating the writ petitioner to file a representation and/or directing the authority to decide the representation, once it is found that the original writ petitioner is guilty of delay and laches. Such order shall not give an opportunity to the petitioner to thereafter contend that rejection of the representation subsequently has given a fresh cause of action.”

14. Insofar as the judgment of the coordinate Bench ***Deb Kumar Mondal (supra)*** being relied upon by the petitioner we find the same is factually distinguishable from the present case in as much as

in the said case application for compassionate appointment was kept pending for consideration by the authorities, whereas as noted above in the present case there is an explicit order of rejection which has not been assailed by the petitioner for eight years.

15. Reliance placed on the order passed in the case of ***Deb Kumar Mondal (supra)***, therefore, in our considered opinion is misplaced in the facts and circumstances in the present case. The petitioner has not been able to make out a case for condoning the eight years delay in approaching the Tribunal. We, therefore, find no reason to interfere with the impugned order of the Tribunal dated 04.04.2025 passed in O.A. 112 of 2024.

16. The writ petitioner is dismissed.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)