

22.01.2025
(D/L-14)
Ct. No.4
(Naba)

W.P.S.T. 234 of 2024

**Bamapada Mukherjee & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Debanik Banerjee,
Mr. Sayak Chakraborti,
Mr. Wrickbrata Roy,
Mr. Shwashwitoik Chatterjee,
Mr. Iswar Das

...for the Petitioners

Mr. Tapan Kr. Mukherjee, Id. AGP,
Ms. Sangeeta Roy

...for the State

Mr. M. N. Roy,
Mr. B. Nandy

...for the Respondent No.4

Ms. Shraboni Sarkar,
Ms. Krishna Yadav

...for the PSC

1. Vakalatnama on behalf of respondent no.4 filed in Court today is taken on record.
2. Heard the learned counsel for the petitioner as well as the learned counsel for the State.
3. The petitioner has participated in a recruitment process undertaken for appointment of Fire Engine Operator-cum-Driver under the Department of Fire and Emergency Services, Government of West Bengal. The final result (select list) was published on 25.04.2018 wherein 157 successful candidates were notified. Six years thereafter the representation has been made on

behalf of the petitioners asserting that since 28 posts remained unfilled in the process of recruitment as the recommendation against total number of vacancies were not made, the petitioners' claim ought to be considered.

4. No reply was forthcoming. In the circumstances, the petitioners have approached the West Bengal Administrative Tribunal (hereinafter referred to as the State Administrative Tribunal). O.A. No. 373 of 2024 has been filed. An application bearing M.A. No. 76 of 2024 was filed in the O.A. for condoning the delay. The State Administrative Tribunal has held the application to be barred by limitation.
5. It is submitted by the learned counsel for the petitioners that the petitioners' case ought to have been considered on merits. The six year period of delay comprises within it the period wherein all activities were effected by the several restrictions and National lockdown imposed on account of Covid-19 pandemic. The fact is apparent from the records that the recommendations were made only against 157 vacancies, leaving 28 advertised vacancies unfilled. Therefore, the petitioners' claim ought to have been considered.
6. Upon going through the application filed by the petitioners before the Tribunal, we find that prior to the representation made on behalf of the

petitioners on 25th June, 2024, there is not even a chit of paper to suggest that the petitioners have at any point of time have raised any grievance in this regard. It is asserted in the O.A. that they have been approaching and have been given assurances verbally.

7. The circumstances, we find that the delay is of more than six years. The relief being prayed for is for being considered in a recruitment process which concluded by publication of the final select list of 157 candidates on 25.04.2018, that also by filing an application before the State Administrative Tribunal six years later, i.e. in the year 2024. There is no material whatsoever to suggest that the petitioners prior to a representation claimed to have been made on 25.06.2024, have raised any grievance whatsoever. Even the plea regarding Covid restrictions cannot inure to the petitioners' benefit as the same was imposed for the first time by a National lockdown in March 2020, i.e. about two years after the final select list 157 candidates was published. The lockdown and its effect was over long back. Even the extension of limitation period by the Apex Court in *suo moto* Writ Petition (C) No. 3 of 2020 came to an end in June-July 2022.

8. We, therefore, find that there is an explained delay of six years, which keeping in view the nature of relief claimed is fatal to the petitioners' case.
9. In the circumstances, we find no infirmity to interfere with the decision of the Tribunal rejecting the petitioners' claim as being barred by limitation.
10. The Writ Petition is dismissed.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)