

22nd January, 2026
(D/L No.25)
Ct. No.4
(SKB)

W.P.S.T.52 of 2024

Sunil Paul
Versus
The State of West Bengal and others

Mr. Prakash Ch. Mondal,
Mr. Debabrata Mondal
... for the petitioner.

Ms. Sonal Sinha,
Mr. Avishek Prasad
... for the State.

1. Heard the learned advocate for the petitioner.

Having unsuccessfully participated in the recruitment process for appointment of Lower Division Clerks, the final panel of which was published on 31.08.2009, the writ petitioner approached the West Bengal Administrative Tribunal (in short 'Tribunal') by filing an Original Application 14 years thereafter by seeking issuance of direction to appoint him. The O.A. No.180 of 2023 was dismissed on 01.08.2023 on the ground of limitation.

2. We have been taken through the Original Application and the representation filed by the petitioner on 18.10.2022. The petitioner's

Original Application has rightly been rejected as being a belated application.

3. Making of a representation 14 years after the result would not cover the limitation as specified in the Administrative Tribunals Act, 1985. The law in this regard is by now settled. We consider it apposite to take note of decision of the Apex Court in this regard in the case of ***Union of India and Others vs. M.K. Sarkar*** reported in **(2010) 2 SCC 59**. Paragraph 14 and 15 of the decision reads:

"14. The order of the Tribunal allowing the first application of respondent without examining the merits, and directing the appellants to consider his representation has given rise to unnecessary litigation and avoidable complications. The ill-effects of such directions have been considered by this Court in C. Jacob v. Director of Geology and Mining [(2008) 10 SCC 115 : (2008) 2 SCC (L&S) 961] : (SCC pp. 122-23, para 9)

"9. The courts/tribunals proceed on the assumption, that every citizen deserves a reply to his representation. Secondly, they assume that a mere direction to consider and dispose of the representation does not involve any 'decision' on rights and obligations of parties. Little do they realise the consequences of such a direction to 'consider'. If the representation is considered and accepted, the ex-employee gets a relief, which he would not have got on account of the long delay, all by reason of the direction to 'consider'. If the representation is considered and rejected, the ex-employee files an application/writ petition, not with reference to the original cause of action of 1982, but by treating the rejection of the representation given in 2000, as the cause of action. A prayer is made for quashing the rejection of representation and for grant of the relief claimed in the representation. The tribunals/High Courts routinely entertain such applications/petitions ignoring the huge delay preceding the representation, and proceed to examine the claim on merits and grant relief. In this manner, the bar of limitation or the laches gets obliterated or ignored."

15. *When a belated representation in regard to a "stale" or "dead" issue/dispute is considered and decided, in compliance with a direction by the court/tribunal to do so, the date of such decision cannot be considered as furnishing a fresh cause of action for reviving the "dead" issue or time-barred dispute. The issue of limitation or delay and laches should be considered with reference to the original cause of action and not with reference to the date on which an order is passed in compliance with a court's direction. Neither a court's direction to consider a representation issued without examining the merits, nor a decision given in compliance with such direction, will extend the limitation, or erase the delay and laches."*

4. Therefore, the representation filed by the applicant/ writ petitioner on 18.10.2022 does not enure to the petitioner's benefit as the petitioner's claim for the purposes of limitation/ delay and laches has to be considered with reference to the original cause of action being the panel dated 31.08.2009. The representation dated 18.10.2022 does not furnish a fresh cause of action for reviving the otherwise stale or dead issue sought to be raised by the applicant/ writ petitioner.
5. We, therefore, find no reason to interfere with the order of the Tribunal dated 01.08.2023 passed in O.A.180 of 2023.
6. The writ petition is, thus, dismissed.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)