

ORDER SHEET

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
	<p>September 30, 2004. The contention of the applicant is that the name of the applicant has not been enlisted in the exempted category on the basis of notification dated August 21, 2002 for employment under the Government of West Bengal. The applicant previously moved the Tribunal by filing O.A. No. 1309 of 2012 whereby this Tribunal gave direction to the respondent No. 3 to consider the representation submitted by the applicant in accordance with law. Accordingly, the said respondent considered the representation of the applicant and turned down the prayer of the applicant for enlistment in the exempted category by passing the impugned order which is under challenge in the present application.</p> <p>Having heard Learned Counsel representing both parties and on consideration of the impugned order under challenge, we find that only 8.38% of agricultural land of the father of the applicant was acquired by publication in the Gazette on September 30, 2004. The notification dated August 21, 2002 issued under Section 3(a) of the West Bengal Regulation of Recruitment in State Government Establishments and Establishments of Public Undertakings, Statutory Bodies, Government Companies and Local Authorities Act, 1999 lays down in paragraph 3 that one member of uprooted / affected family shall be eligible for consideration against vacancies reserved for exempted category, if the members of the family have</p>	

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SCN.	<p>been uprooted from their place of residence due to acquisition of the homestead land by the Government or whose main source of income is substantially affected due to loss of agricultural land acquired by the Government for the public purpose. In the instant case homestead land of the father of the applicant has not been acquired by the Government. Only 8.38% of agricultural land of the father of the applicant was acquired and thereby loss of agricultural land in question did not substantially affect the main source of income of the family of the land loser. In view of our above observation, we do not find any illegality or arbitrariness in refusing to enlist the applicant in the exempted category for the purpose of employment under the Government of West Bengal. As a result, the original application is dismissed.</p> <p style="text-align: center;">Let a plain copy of the order be supplied to both parties.</p> <p>(S.K. Das) MEMBER (A)</p> <p style="text-align: right;">(R.K. Bag) MEMBER (J)</p>	