ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

The Hon'ble Justice Ranjit Kumar Bag

& The Hon'ble Subesh Kumar Das

Case No - OA 1550 OF 2013

KAMAL MAHATO <u>Vs</u> The State of West Bengal & Ors.

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
15	For the Applicant: Mr. G.P. Banerjee	
18.05.2018	Learned Advocate	
	For the State Respondent: Mr. B. P. Ray Learned Advocate	
	The applicant has challenged the order dated	
	April 23, 2013 passed by the District Magistrate and	
	Collector, Purulia by which prayer of the applicant to be	
	enlisted in the exempted category for the purpose of	
	employment, in accordance with notification No. 301-	
	EMP / 1M-10 / 2000 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,	
	was turned down.	
	It appears from record that 0.1148 acres of	
	agricultural land at Mouza Sulanga, P.S. Nituria in the	
	District of Purulia was acquired from the father of the	
	applicant for construction of Intake pump house and	
	pipeline corridor by publication in the Calcutta Gazette on	

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Serial No. and	Order of the Tribunal with signature	Office action with date
Date of order.	Order of the Tribunal with signature 2	and dated signature
1		of parties when necessary 3
	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.	
	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	

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6		Office action with data
Serial No. and Date of order.	Order of the Tribunal with signature 2	Office action with date and dated signature
Date of order.	2	of parties when necessary
_	been uprooted from their place of residence due to	3
	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.	
	Let a plain copy of the order be supplied to both	
	parties.	
	(S.K. Das) (R.K. Bag)	
	MEMBER (A) MEMBER (J)	
CON		
SCN.		