

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

The Hon'ble Justice Soumitra Pal (Chairman)
& The Hon'ble Mr. Subesh Kumar Das (Administrative Member)

Case No – O.A. 606 of 2016

KALACHAND GHATAK & ANR. Vs 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
<p>10</p> <hr/> <p>16.04.2019</p>	<p>For the Applicant : Mr. M. Ahmed, Advocate</p> <p>For the Respondents : Mrs. S. Agarwal Advocate</p> <p>Perused the order dated 25th February, 2019 passed by the High Court in W.P.S.T. 5 of 2019, Kalachand Ghatak and Anr. Vs. The State of West Bengal and Ors. the relevant portion of which is as under :</p> <p>“Although there are certain statements in the body of the original application as well as in the grounds to the effect that the prayer for compassionate appointment was illegally rejected, there being no prayer for setting aside of the order denying compassionate appointment and for a consequential direction upon the respondents to consider the case of either of the petitioners for such appointment, the tribunal was in error in not examining the prayers made in</p>	

ORDER SHEET

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	<p>the original application for release of death-cum-retiral benefits.</p> <p>Accordingly, the order of the tribunal stands set aside. We order a remand, which would result in revival of O.A. 606 of 2016. We grant liberty to the respondents to file affidavit-in-opposition within six weeks; reply thereto, if any, may be filed by two weeks thereafter. The petitioners shall have the liberty of mentioning the original application for final hearing before the tribunal immediately after expiry of the time limit for exchange of affidavits as above or if the respondents do not file their affidavit-in-opposition, immediately after expiry of the time limit fixed therefor. Since the employee had expired about 38 years back, we request the tribunal to give the original application some precedence for its early disposal, subject to its convenience.</p> <p>It is made clear, we have not expressed any opinion on the merits of the petitioners' claim as reflected in the prayer clauses and all points are</p>	

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SCN.	<p>left open to the parties to be agitated before the tribunal for an effective decision by it thereon.”</p> <p>Since certain essential facts require examination for deciding the matter regarding grant of pensionary and death-cum-retirement benefits, the applicant is directed to file supplementary application, - enclosing the appointment letter of Sachipati Ghatak, the place where he was last working and the GPF subscription account number along with copies of documents in support thereof, - for proper adjudication of the matter. As prayed for by Mr. M. Ahmed, learned advocate for the applicant, let supplementary application be filed by 14th May, 2019 and a copy of the same be furnished to Mrs. S. Agarwal, learned advocate for the respondents, to enable her to take instructions. Let the matter appear on 20th May, 2019 under the heading “For Orders”.</p> <p>(S.K. Das) MEMBER (A)</p> <p>(Soumitra Pal) CHAIRMAN</p>	