

ORDER SHEET

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

**Case No. – MA 121 of 2022 [OA 508 of 2014]**

**Rasonara Begam -- VERSUS – The State of West Bengal & Ors.**

Serial No. and  
Date of order

For the Applicant : Mrs. S. Mitra, Ld. Advocate.

For the State respondent : Ms. R. Sarkar,  
Mr. S. Debroy,  
Mr. R. Bag,  
Ld. Depttl. Reps..

07  
10.10.2023

For the Pr.AG (A&E), : Mr. B. Mitra, Ld. Depttl. Rep.  
WB

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638-WBAT/2J-15/2016 (Pt.-II) dated 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

On consent of the learned counsels for the contesting parties, the case is taken up for consideration sitting singly.

This applicant, Rasonara Begam has prayed for substitution Abdul Momin Mondal with her name as the applicant in OA 508 of 2014. The applicant claims to be the wife of the deceased employee, who had worked as Bhumi Sahayak in the office of District Land & Land Reforms Officer, Hooghly. Abdul Momin Mondal had prayed for pensionary benefits after counting the past services rendered by him as a Tahashilder.

During the submissions and examination of the documents in these applications, the Tribunal was made aware that Abdul Momin Mondal had worked till 1987 and disappeared without any information with the employer till he superannuated at the age of 60 in 2014. It has also been noted that in his original application, Abdul Momin Mondal had stated that his wife had already expired.

It appears to the Tribunal that after the death of his first wife, the deceased employee had married the present applicant, Rasonara Begam. During this period of absence, he did not receive any salary, though he had submitted applications for allowing him to resume his duties. Submission of Mrs. Mitra is that as an employee, who wanted to resume his duties, he had dutifully submitted such applications which were not considered. Attention has also been drawn to page nos. 19 to 24, which appears to be copies of his

Form No.

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**Vs.**

The State of West Bengal & Ors.

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representation dated 12.01.2007 before the District Land & Land Reforms Officer, Hooghly praying for allowing him to join. However, it has become clear that despite his furnishing of representations praying for joining, he was neither was allowed to join nor was any order passed on the matter of his unauthorised absence.

Having heard the submissions and considering the facts and circumstances of this matter, the Respondent No. 2, the District Land & Land Reforms Officer, Hooghly is directed to examine the following issues :

- (1) Whether the present applicant, Rasonara Begam can be considered as the legal wife of the deceased employee.
- (2) To examine the unauthorised period of absence of the applicant from 1987 to 2014. While examining this issue, the claim of the deceased employee that he had furnished representations before the authorities praying for allowing him to join his duties in the year 2007 and 2009 may be examined and checked from the records. If he is satisfied that such representations were indeed filed, this may be taken into consideration while passing the reasoned order.
- (3) The question as to why despite such long unauthorised absence, the respondent authorities did not take any administrative or disciplinary action against him.

Let the Respondent No. 2, the District Land & Land Reforms Officer, Hooghly examine the above issues and based on the documents and after hearing the present applicant, Rasonara Begam pass a speaking and reasoned order and file a copy of the report before this Tribunal on the next date. Such exercise must be completed and the Reasoned Order covering the above issues filed before this Tribunal within four (04) months from the date of communication of this order.

Let the matter appear under the heading “**Admission Hearing**” on **26.03.2024**.

SS

**SAYEED AHMED BABA**  
**Officiating Chairperson & Member (A)**