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 30 of 2023 (OA 301 of 2023)

Smt. Purnima Paswan & Ors. -- VERSUS – The State of West Bengal & Others

Serial No. and Date of order

For the Applicants : Mr. K. Chakraborty,

Ld. Advocate.

06.02.2024

For the State Respondent

: Ms. R. Sarkar,

Mr. S. Debray,

Mr. R. Bag,

Departmental Representatives..

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 23rd 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.

The prayer in this application is for condonation of delay in filing the OA 301 of 2023. On perusal of the records in the original application, it appears that the deceased employee had died on 12.09.2001 and the original application was filed in this Tribunal much later on 27.04.2023.

In brief, as it appears from the submission of the learned counsels and the records that way back after the death of Arjun Paswan on 12.09.2001, an application for such employment was filed by the widow, mother of this applicant. From the record, it appears there was some action taken by the respondent authorities in processing this application. In particular, a correspondence made by the Director of Land Records & Surveys and Jt. Land Reforms Commissioner to the Department dated 28.02.2011 reveals that the applicant was not found eligible for such employment since the total family income did not fall below 90% of the gross monthly salary drawn by the deceased before his death. However, the Department does not seem to have taken the final decision after consideration and communicate the same to the applicant.

Submission of Mr. Chakraborty, learned counsel for the applicant is that this is an old matter in which the Department is sitting tight and not taking any decision. Responding on behalf of the Department, Ms. Sarkar, learned

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Departmental Representative, however, contests admission of this application on the ground that there is a serious point of limitation in this application since the applicant's father had deceased on 12.09.2001 and this application has been filed in this Tribunal this year in 2023.

Since as submitted by Ms. R. Sarkar and by filing a copy of Memo No. 235 dated 31.01.2024, the Department has re-initiated the process of enquiring into the eligibility of the applicant for such an employment on compassionate ground, the Tribunal finds that the prayer for condonation of the delay in filing the original application is justified, thus, the prayer is allowed.

Accordingly, the MA 30 of 2023 is disposed of.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

H.S