

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

**The Hon'ble Mrs. Urmita Datta (Sen), Member(J) &
Hob'ble Sayeed Ahmed Baba, Member (A_)**

Case No. – OA-349 of 2019

Prasanta Sinha Mahapatra **VERSUS** – The State of West Bengal & Ors.

Serial No. and Date of order For the Applicant : Mrs. S. Agarwal,
Learned Advocate.

09
30.11.2021 For the State Respondent : Mr. S.N. Roy,
Learned Advocate.

The instant application has been filed basically challenging the impugned order dated 09.09.2013, by which the case of the applicant for compassionate appointment was rejected on the ground that the proforma application was submitted after due date.

As per the applicant, his father died on 03.07.2008 at the age of 46 years 11 months leaving behind his wife and three sons. Thereafter the applicant has submitted application for compassionate appointment on 16.07.2008, which was received by the Agriculture Development Officer, Simlapal, Bankura. Thereafter his mother again made representation to the Director of Agriculture & Ex-Officio Secretary, Department of Agriculture for compassionate appointment in favour of the applicant on 27.01.2009 (Annexure-C) and subsequently after getting proforma application from the respondent authority, had submitted proforma application on 01.02.2010. However, vide order dated 09.09.2013, the case of the applicant was rejected on the ground that he had submitted the proforma application beyond due date. Being aggrieved with, he has filed the instant application.

No reply has been filed. However, the counsel for the respondent has submitted that as per the circular, the applicant has filed the proforma application beyond six months time, therefore, his case was rejected.

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During the course of hearing the counsel for the applicant has prayed for extension of benefit of the judgement dated 05.12.2018 passed in OA-664 of 2016.

Heard both the sides and perused the records.

It is noted that the applicant and his mother had filed plain paper application before the authority on 16.07.2008 as well as on 27.01.2009 and thereafter he had filed proforma application in 2010. Therefore, plain paper application filed within stipulated period of time of six months. Further unless the prescribed proforma application has to be provided by the department to the applicant within the stipulated period of time, he has no control over the supply of the said proforma application. Therefore, there may be delay in filing the proforma application. However, in our considered opinion, as the applicant has already submitted the plain paper application as well as representation for compassionate appointment well within the stipulated period of six months time. Therefore, the respondents cannot reject the claim of compassionate appointment of the applicant on the ground that if he would have been found otherwise fit. Accordingly, we quash the impugned order dated 09.09.2013 and remand back to the Secretary, Department of Agriculture to reconsider the case of the applicant in the light of the relevant circulars and rules and come to a conclusion and to communicate the same by way of reasoned and speaking order within a period of six weeks from the date of receipt of the order. Accordingly, OA is disposed of with no order as to costs.

Since the circumstances beyond control, the Registry is unable to furnish plain copies of this order to the learned advocates for the

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parties, the Registry is directed to upload this order on the website of the Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.

SAYEED AHMED BABA
MEMBER (A)

URMITA DATTA (SEN)
MEMBER (J)

SC

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