

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Bikash Bhavan, Salt Lake, Kolkata – 700 091.**

**Present-**

**The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson and Administrative Member**

**Case No. –OA 442 OF 2023**

**SANJAY BAPARI - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No.  
and  
Date of  
order

For the Applicant

: Mr. S. Arefin,  
Mrs. Sunita Agarwal,  
Advocates

For the State Respondents

: Mr. Gautam Pathak Banerjee,  
Advocate

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11.12.2023

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 parties, the case is taken up for consideration sitting singly.

The prayer in this application is for a direction to the respondent authority to set aside the reasoned order passed on 22.08.2022, passed by the Commissioner of Textiles & Sericulture, West Bengal in terms of the Tribunal's Order. The reasoned order had rejected the application for compassionate employment on the ground that the applicant's deceased father working as Resham Karmee was never absorbed in regular establishment. The reasoned order also states that the receipt of pensionary benefit does not create any right of appointment under compassionate ground.

Submission of the learned counsel for the applicant is that though the application by the applicant for compassionate employment was submitted within the due time – 21.06.2019, the respondent passed the reasoned order rejecting the application on a very dubious ground that the application was not submitted within the time. The deceased employee, the applicant's father had died in harness on 08.02.2019. Attention of the Tribunal has been drawn to page 31 of this application which appears to be a hand-written application by the applicant, which has been received by the office of the Deputy Director of Textiles (Sericulture), Malda on 21.06.2019. Since from the above fact it does not seem to the Tribunal that it was a belated application, Mr. Gautam Pathak Banerjee, learned counsel wishes to check the original documents with the office of the respondent and present his submissions and facts on the next date. Let the matter appear under the heading "Hearing" on 04.04.2024.

SCN.

(SAYEED AHMED BABA)  
OFFICIATING CHAIRPERSON  
and MEMBER (A)