

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. OA – 802 of 2023

Parimal Mahanta - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr. S. Ghosh, Advocate
<u>2</u> 04.04.2024	For the Respondents	: Mr. G. Halder, Advocate

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638 – WBAT / 2J-15/2016 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 counsel, the case is taken up for consideration sitting singly.

The applicant has prayed for setting aside the impugned Memo dated 25.08.2023, by which a decision was communicated to the Commissioner regretting the proposal for this applicant's compassionate employment. In the impugned reference, it is mentioned that such an application was preferred before the respondent authorities after a delay of more than three years after the death of the employee. The father of the applicant had died in service while working as an ex-Reeler under the Deputy Director of Sericulture, Darjeeling on 04.09.2018.

Submission of Mr. Ghosh is that soon after the death, both the mother of the applicant and the applicant furnished plain paper applications on 26.10.2018 before the Joint Director of Sericulture praying for an employment under compassionate ground. Such plain paper application was later followed by submission of the proforma application on 28.12.2021. Submission of Mr. Ghosh is that the respondent authority passed this impugned decision on the basis of the date of submission of the proforma application but completely ignored the fact that a plain paper application was submitted by him and the mother on 26.10.2018 were within two years from the date of death of the employee.

Mr. Ghosh has prayed for accommodation to file relevant judgements of the Hon'ble Apex Court on the next date.

Let the matter appear under the heading 'For Orders' on 18.07.2024.

A.K.P

SAYEED AHMED BABA
OFFICIATING CHAIRPERSON & MEMBER(A)

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