

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

**The Hon'ble Mrs. Urmita Datta (Sen), Member (J),**

**The Hon'ble Sayeed Ahmed Baba, Member (A)**

**Case No. OA – 1008 of 2015**

**Smt. Makhani Hambram - VERSUS - The State of West Bengal and Others**

Serial No. and Date of order	For the Applicant	: Mrs. S. Agarwal, Advocate
<u>21</u> 07.12.2021	For the State Respondents	: Mr. G.P. Banerjee, Mr. B.P. Roy, Advocates

The instant application has been filed basically challenging the impugned reasoned order dated 15.10.2014. The respondent though accepted that the applicant submitted first application on plain paper on 29.01.1991. However, subsequently she had filed another reminder on 20.06.2011 i.e. after 20 years and as a long time has been lapsed in the mean time, the applicant did not seem to have requirement for immediate assistance. As per the applicant, the reasons for rejecting the claim of the applicant on the ground of lapse of time are not acceptable as the applicant admittedly submitted her plain paper application on 29.01.2991 and was waiting for the communication of the respondents with regard to her compassionate appointment. However, during that period, the respondent never rejected her claim or any response to her application. Being aggrieved with the consideration of the case of the applicant, she approached this Tribunal in OA – 91 of 2013, which was disposed of by order dated 18.04.2013 with a direction to the respondent authority to pass reasoned and speaking order and in compliance to the afore-mentioned order, the respondents has passed this reasoned order. Therefore, as per the applicant, the respondents cannot reject her application on the ground of time lapse as they themselves not passed any order in this regard earlier.

The counsel for the applicant has further submitted that unless and until she would be supplied with the pro-forma application, she could not file the pro-

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forma application within time.

The counsel for the respondent has submitted that though the applicant made plain paper application on 29.01.1991 i.e. well within one month from the death of her mother (her mother died on 22.12.1999). However, she had filed a pro-forma application on 19.11.2011 only.

Heard the parties and perused the record.

It is noted that the mother of the applicant died on 22.12.1990 and subsequently the applicant had applied for compassionate appointment on 29.01.1991. However, as per the applicant, unless and until she would be supplied with the pro-forma by the respondent, she could not file any pro-forma application before that. Even during the long period, the respondent did not consider her case and or reject her case. Therefore, being aggrieved with, the applicant has approached this Tribunal in the year 2013 and thereafter, as per the direction of this Tribunal order dated 18.04.2013, the impugned order has been passed. It is noted that in the impugned order, the main ground of rejection is that pro-forma application was submitted after long time. However, it is also admitted fact that in the mean time the respondent never considered / rejected the claim of the applicant.

Therefore, in our considered view, that cannot be a ground for rejection of the claim of the applicant. In view of the above, we quash and set aside the order dated 15.10.2014 and direct the respondent no. 2 to reconsider the case of the applicant except their ground of delay as per Rule and pass a reasoned and speaking order and communicate their decision by way of reasoned and speaking order within a period of twelve weeks from the date of receipt of the order.

**ORDER SHEET**

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Accordingly, the O.A. is disposed of.

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

A.K.P.