

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 11 of 2022

AMIT PAUL – VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. For the Applicants : Mr. Satrajit Sinha Roy,
and Advocate
Date of For the State Respondents : Mrs. Sunita Agarwal,
order Advocate

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18.05.2023

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

In response to the earlier submissions of Mr. Satrajit Sinha Roy, learned counsel for the applicant, Mrs. Sunita Agarwal, learned counsel for the State respondents submits the following points :

- i) The contention of Mr. Sinha that notification No.251-Emp is not relevant in this matter, rather notification 30-Emp, dated 2nd April, 2008 is the relevant notification is wrong. In fact, the notification 251-Emp dated 03.12.2013 specifically states that such notification will supersede all previous notifications.
- ii) Even assuming that notification 30-Emp is the relevant notification, it also stipulates that an application for compassionate employment should be made within six months from the date of the death of the deceased employee. In this case, however, the application for compassionate employment was made after one year and two months.
- iii) In view of the above statements, submission of Mrs. Agarwal is that the prayer in this application has no merit and there being no substantive ground challenging the reasoned order passed by the respondent, this application be dismissed.

Both the learned counsels pray for accommodation to file relevant judgements of Apex Court on the next date. Let the matter appear on 11.09.2023 under the heading "Further Hearing".

SCN.

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