

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 169 of 2023

Amrabati Kewat - Vs - The State of West Bengal & Ors.

Serial No. and
Date of order

04
23.04.2024

For the Applicant : Mr. G.P. Banerjee,
Mr. S. Bhattacharjee,
Learned Advocates.

For the respondents Mr. S.K. Mondal,
Learned Advocate.

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

By Memo 281 dated 18.08.2022, the respondent authorities took the final decision relating to this applicant's prayer for employment on compassionate ground. The respondent authority primarily relied on the fact the deceased employee as Work Guard was a Work Charged employee and hence legal heirs of such employees are not entitled for compassionate employment. Mr. Banerjee contends that legal heirs of other such work charged employees in the same Department have been offered compassionate employment. Therefore, this ground relied on by the respondent authority is bad in law and denies natural justice to the applicant. Further, the applicant has been shown as not to be educationally qualified in the impugned memo but reference is made to two copies of educational certificates which shows the applicant having passed Class –VIII.

Disagreeing with Mr. Banerjee, Mr. Mondal has submitted that as per proforma application submitted by the applicant, she has herself left the column in her qualification blank, therefore, it is to be presumed that she does not possess any educational qualification.

Mr. Banerjee has named the following as legal heirs of work

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charged employees who have been offered compassionate employment

:-

a) Rita Majumder daughter of Late Tapas Majumder.

Mr. Mondal after hearing the argument of Mr. Banerjee prefers to check the facts from the office records of the respondent authority and submit on the next date of hearing.

Let the matter appear under the heading Hearing on **18.11.2024.**

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

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