

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 246 OF 2018

AVISHEK SARKAR - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and
Date of order

20
27.09.2023

For the Applicant	:	Mr.U.N.Betal Advocate
For the State Respondents	:	Mr. Soumendra Narayan Ray 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.

During the last date of hearing, it was pointed out by Mr.S.N.Ray, learned counsel for the State respondents that this application praying for compassionate employment was not found eligible for consideration because the applicant not only lacked the required qualification, but also in the scheme for compassionate employment, there is no provision for such employment for employees retiring voluntarily. Such stipulation was to be found in Memo. 6620-F dated 20.08.1981 read with 1833-F (P) dated 01.03.2013.

Today, Mr.Ray points out one more deficiency in the application, which is that the applicant who retired voluntarily was not left with two years of service. The applicant who was due to retire on 31.08.2015 had taken voluntary retirement on 31.03.2014 without leaving the mandatory two years of service before such retirement as per relevant Government Order.

In response to the above points of submissions of Mr.Ray,

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THE STATE OF WEST BENGAL & OTHERS.

Mr.U.N.Betal, learned counsel for the applicant relies on a judgement passed by the Hon'ble High Court in W.P. No. 5243 (W) 2018.

Let the matter appear under the heading "Further Hearing" on 7th March, 2024.

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

BLR