

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 265 of 2023

Abul Quise & Another -- VERSUS -- The State of West Bengal & Ors.

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|---------------------------------|--------------------------|-------------------------------------|
| Serial No. and Date of order | For the Applicant | : Mr. A.A. Mondal, Ld. Advocate. |
| <u>02</u> 24.07.2023 | For the State respondent | : Mrs. S. Agarwal, Ld. 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.

Affidavit of service filed be kept on record.

The prayer in this application is for setting aside the impugned order dated 22.03.2023 passed by the respondent no. 2 rejecting the application for appointment on compassionate ground. The applicant's mother was a Sweeper who died-in-harness working in R.G. Kar Medical College & Hospital. In terms of a direction of this Tribunal in OA 504 of 2020, the respondent passed the reasoned order and rejected the prayer for appointment on compassionate ground for various reasons, the primary reason being that the deceased employee was declared permanently incapacitated by a Medical Board held on 29.08.2018. Since her own superannuation was due on 31.12.2018, only after four months from such declaration of medical incapacitation, her legal heirs were not eligible for appointment on compassionate ground.

Heard the learned counsels for the parties, the matter is admitted.

Let the matter appear under the heading "**Hearing**" on **18.12.2023**.

Reply and rejoinder, if any, in the meantime.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

HS/SS