

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- 275 of 2022

Archana Das & Another - Vs - The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant

:

Mr. S. Mustafi,
Learned Advocate.

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18.07.2024.

For the State Respondents

Mrs. S. Agarwal,
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.

The applicant has prayed for setting aside the impugned Memo 3677 dated 28.10.2021 passed by the Department of Food & Supplies. In this impugned reference, the proposal of the applicant for employment under compassionate ground was regretted on the ground that such an application was submitted after a long gap of 15 (fifteen) years from the date of death of the employee. For such delay in submitting the application, the Deptt. has come to the conclusion that the family of the deceased employee was not passing through any financial crisis, therefore, there was no need for such an employment. Mr. Mustafi, learned counsel appearing on behalf of the applicant, however, disagrees and submits that after the death of the employee on 14.05.2006, his wife and mother of the present applicant, Archana Das had applied in proforma on 28.11.2006. Since the respondent authorities were not considering her application, she was compelled to approach this Tribunal in OA-853 of 2014 which directed the respondent authorities to take a decision and pass a reasoned order in accordance with the Scheme. Submission is that despite such direction the respondent authorities did not pass any reasoned order and thus avoided taking a decision in the matter relating to the application of Archana Das

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THE STATE OF WEST BENGAL & OTHERS.

for compassionate employment. Mr. Mustafi further submits that in view of not receiving any response, this application, being son of the deceased employee, applied on 18.03.2020. Such application was submitted as per the advice given by the respondent authorities to his mother through Memo 223 dated 19.02.2020.

Mrs. Agarwal, learned counsel has submitted that it was the mother who had applied before the respondent authorities wishing name of her son to be replaced instead for such an employment. Mrs. Agarwal wishes to file a copy of the letter written earlier by the mother expressing her wish for the son to get such an employment. Let copy of the letter be presented before this Tribunal by the next date and let the matter appear under the heading **For Orders on 14.01.2025.**

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

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