

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 33 of 2021

Tapasi Mondal & Others - VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order For the Applicants : Mr. M. Mallick,
Learned Advocates.

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10.07.2023 For the State Respondents : Mr. M.N. Roy,
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.

The prayer in this application for setting aside the impugned order of the respondents dated 08.01.2020 by which the prayer for employment on compassionate ground was regretted on the ground that in the light of the Notification No. 251-Emp dated 03.12.2013 read with subsequent appointment the applicant was a minor of only 15 years at the time of his father's death on 19.10.2015.

Submission of Mr. Mallick, learned counsel appearing for the applicant is that while rejecting this application, the respondent completely ignored the fact that earlier the applicant's elder brother namely, Nayan Mondal, who was otherwise eligible, had applied for such an appointment on 08.03.2016. Since the respondents were not considering the application of the elder brother, unfortunately he died on 06.05.2018. Due to the financial difficulties the younger brother, the present applicant, Jyoti Mondal's application was submitted by the mother Tapasi Mondal.

Mr. Mallick would like to file copies of relevant Apex Court judgment in support of the applicants' prayer on the next date.

Let the matter appear under the heading "**Hearing**" on **09.01.2024**.

H.S

SAYEED AHMED BABA
Officiating Chairperson & MEMBER (A)