

**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 2023**

***Samendar Toppo & Another* -- **VERSUS** – The State of West Bengal & Ors.**

Serial No. and      For the Applicants                      : Mr. S. Bhattacharjee, Ld. Advocate.

Date of order        For the State respondent                : Mr. G.P. Banerjee, Ld. Advocate.

                            For the Pvt. Respondent                : Mr. S.N. Ray, Ld. Advocate.

02  
21.02.2023

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 23<sup>rd</sup> 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. Vakalatnama filed by Mr. S.N. Ray, learned counsel for the private respondent be kept on record.

The prayer in this application is for setting aside the compassionate employment given to the private respondent, Probhabati Toppo. Submission of Mr. Bhattacharjee is that the applicant Samendar Toppo being eligible for compassionate employment was not offered such an employment by the respondent. The grounds relied on by the learned counsel for the applicant is that the Probhabati Toppo, who has been offered a job did not submit an undertaking to the effect that she will take care of the family members. Similarly, no family member had given NOC for employment to the private respondent.

Mr. G.P. Banerjee, learned counsel appearing on behalf of the State and Mr. S.N. Ray, learned counsel appearing on behalf of the Private Respondent submits that this application is not maintainable in this Tribunal for the reason that, first, the applicant has no locus standi to question the decision of the respondent. Further, if the issue of legal heir is to be decided, not this Tribunal but a Civil Court is the competent forum.

After hearing the learned counsels and considering the facts and circumstances of the case, I am of the view that this application is not maintainable in this Tribunal for reasons of determination. The applicant is at liberty to seek redressal in an appropriate forum.

Accordingly, the application is **disposed of**.

**SAYEED AHMED BABA**  
**Officiating Chairperson & Member (A)**

CSM/SS