

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 394 of 2023

Sikha Das & Ors. -- **VERSUS** – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicants : Mr. A.K. Niyogi,
Ld. Advocate.

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

01
17.07.2023

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 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 applicant has prayed for setting aside the impugned reasoned order passed by the respondent authority on 12.06.2019. The impugned order, after giving reasons, rejected the application for appointment under compassionate ground. The primary reason given is that the applicant was a minor of only 11½ years old at the time of death of the deceased employee. The same impugned order also states that this applicant was not the only member of the deceased employee's family. This impugned order has been challenged in this application which has been filed on 19.05.2023. As regards, the delay of 3 years in filing this application from the date of communication of the reasoned order, Mr. Niyogi submits that this information was communicated to the applicant through wireless message only on 02.01.2023 as is evident from page 21.

Mr. Banerjee, learned counsel appearing on behalf of the respondent authority seeks for accommodation to check with the office of the respondent when this impugned order was actually communicated to the applicant.

The point of maintainability is kept open.

Let the matter appear under the heading "**Admission Hearing**" on **03.10.2023**.

CSM/SS

SAYEED AHMED BABA
Officiating Chairperson & Member (A)