

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Administrative Member

Case No. - OA 484 OF 2021

AVIJIT DUTTA - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicants	: Ms. B. Ghosal, Advocate
<u>10</u> 12.09.2022	For the State Respondents	: Mr. Subit Kumar Mandal, Advocate

Learned advocate for the applicant submits that the father of the applicant Anup Kumar Dutta was made a permanent employee by the respondent authority on 13.05.1983 to work as a contingent worker. During his service period, the applicant's father was also given pay benefits from time to time. Learned counsel submits that the impugned order of the respondent rejecting the application for compassionate employment on the ground that the applicant's father was a work-charge establishment and there is no provision in notification No.251-Emp for compassionate employment to dependence of such employment is not maintainable and be set aside.

SCN. Mr. Subit Kumar Mandal, learned advocate submits that there are Apex Court judgements against offering compassionate employment to work-charge employees which he will submit on the next date of hearing. Mr. Mandal further submits that although the "word" permanent is found in the order dated 13.05.1983, but it does not mean that employee was absorbed as a regular employee against substantive post.

Both learned advocates pray for adjournment to the next date by which they will submit relevant Apex Court judgements and supporting government circulars in this matter.

The supplementary affidavit filed by learned advocate is kept on record.

Let the matter appear under the heading "Hearing" on 21st December, 2022.

(SAYEED AHMED BABA)
MEMBER (A)