

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. - OA 507 OF 2020

RAHUL LOHAR & ORS. - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	:	Mr. A. Bhusan Ghosh, Advocate
<u>8</u> 28.06.2022	For the State Respondent Nos. 1 to 6	:	Mr. Biswa Priya Ray, Mr. Gautam Pathak Banerjee, Advocates

The matter is taken up by the single Bench pursuant to the order contained in the Notification No.118-WBAT/1E-08/2003 (Pt.-II) dated 11th February, 2022 issued in exercise of the powers conferred under section 6(5) of the Administrative Tribunals Act, 1985.

In this application, Rahul Lohar, the applicant No.1, son of late Pradip Kumar Lohar, has challenged the order dated 2nd July, 2020, being annexure "A-11" to the application, rejecting his prayer for appointment on compassionate ground in the died-in-harness category. It appears Kalpana Lohar, and Rohit Lohar, wife and younger son of the deceased late Pradip Kumar Lohar, are the applicant nos. 2 and 3 respectively.

It is submitted by Mr. A. Bhusan Ghosh, learned advocate for the applicant that the impugned order dated 2nd July, 2020 passed by the Commissioner, Government of West Bengal, Home & Hill Affairs Department, Police Establishment Branch, Howrah, does not take into consideration the stipulations contained in the notification dated 1st March, 2016 particularly the clause relating to "belated request". Prayer is direction may be issued on the respondents to reconsider the order in the light of the said notification.

Mr. Gautam Pathak Banerjee, learned advocate appearing on behalf of the State respondents, submits if directed, the Commissioner, Government of West Bengal, Home & Hill Affairs Department, Police Establishment Branch, Howrah, the respondent no.3 shall review the order in accordance with the provisions contained in the notification dated 1st March, 2016.

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Vs.
THE STATE OF WEST BENGAL & ORS.

Having heard the learned advocates for the parties and considering the facts and circumstances of the case, since the impugned order of rejection dated 2nd July, 2020 does not take into consideration the notification dated 1st March, 2016, particularly the stipulations with regard to “belated request”, the application is disposed of by directing the Commissioner, Government of West Bengal, Home & Hill Affairs Department, Police Establishment Branch, Howrah, the respondent no.3 to reconsider the order dated 2nd July, 2020, being Annexure “A-11” to the application, within fifteen weeks from the date of presentation of a copy of this order downloaded from the website of the Tribunal after giving an opportunity of hearing and after verifying the records.

SCN.

(SOUMITRA PAL)
CHAIRMAN

WEST BENGAL ADMINISTRATIVE TRIBUNAL