

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 561 of 2022

Siladitty Guchhait -- VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicant	: Mr. S.K. Mondal, Ld. Advocate.
	For the State Respondent Nos. 3,4,5 & 9	: Mr. G.P. Banerjee, Ld. Advocate.
<u>09</u> 05.08.2025	For the State Respondent Nos. 1 & 2	: Ms. R. Sarkar, Mr. S. Debray, Mr. R. Bag, Ld. Depttl. Reps.
	For the Respondent No. 8	: Mrs. Puja Samanta, In person.

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.

Affidavit of service filed be kept on record.

The prayer in this application is for consideration of the representation before the respondent dated 28.06.2022. It appears from the submissions of the learned counsels and the records in this application that an employment was offered to the respondent no. 8, Pooja Samanta as the sister of the deceased, Malabika Guchhait. She and her husband Hemanta Guchhait had unfortunately become victims of the thunderstorm lightning and died on June 7, 2021. As a gesture of goodwill, the State Government, after due enquiry and recommendation by the District Magistrate offered an employment as a Group-D in the Department of Land & Land Reforms. Aggrieved by such an offer given only to Malabika Guchhait, this applicant, Siladitty Guchhait filed this application praying for cancellation of the employment and rather offer such an employment in favour of him. Siladitty Guchhait, the applicant happens to be the nephew of the deceased, Hemanta Guchhait.

Mr. Mondal submits that despite several representations furnished before the respondents, such an offer of employment has not been given to this applicant.

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Mr. Banerjee, learned counsel appearing on behalf of the respondent authorities submits that after proper enquiry, the respondent authorities came to the conclusion that Puja Samanta, sister of the deceased Malabika Guchhait would be the right person to look after the orphaned daughter, Rahika Guchhait. After receiving such assurance from Puja Samanta and being assured of her guardianship, the Government decided to offer her an employment as a special case. Accordingly, the proposal for appointment of Puja Samanta received approval of the Cabinet recorded in its meeting dated 18.04.2022.

Having heard the submissions from both the sides and after examining the records, the Tribunal is of the view that the decision to appoint one of the family members for an employment in this case is the sole prerogative of the Government. It is their discretionary power to decide who should be appointed as a legal guardian to the orphaned child of the deceased couple. It has also been now known that Puja Samanta, who had accepted and joined such an employment, is taking care of this child. It is not for the Tribunal to interfere and reverse the decision of the Government in this matter. Therefore, this application is **disposed of** without passing any order.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

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