

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson and Administrative Member

Case No. - OA 570 OF 2022

MANAB MANDAL & ANR. - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. For the Applicant : Md. Yusuf Ali,
and Advocate

Date of order For the State Respondents : Mrs. Sonali Mitra,
Advocate

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12.09.2023

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 parties, the case is taken up for consideration sitting singly.

The prayer in this application is for setting aside the impugned order of the respondent dated 20.05.2022. The impugned order, citing few reasons, had regretted the application for appointment on compassionate ground.

However, Mr. Yusuf Ali, learned counsel for the applicant disagrees with the reasons given for such rejection and contends that the Notification No.251-Emp dated 03.12.2013 is not applicable in this case due to the fact that the deceased employee had died before publication of this notification on 22.06.2013.

SCN.

Responding on behalf of the State respondents, Mrs. Sonali Mitra, learned counsel submits that the said notification makes it clear that this case and such similar cases are to be covered by this notification irrespective of any event which had taken place prior to publication of this notification. However, Mrs. Mitra prays for liberty to file a reply on behalf of the State respondent which will explain in detail the reasons why the impugned order passed by the respondent was legally enforceable.

Mr. Ali submits that if such reply is filed, the applicant would like to file a rejoinder on it. Let the reply by the State respondent and rejoinder, if any, be filed by the next date.

Let the matter appear under the heading "Further Hearing" on 25.01.2024.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON
and MEMBER (A)