

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 616 of 2022

Rahul Dukpa - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr. S. K. Mondal, Learned Advocate.
<u>03</u> 15.12.2022	For the State Respondents	: Mr. S. Ghosh, Learned Advocate.

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.

In this application, the prayer is for a direction to the respondents to consider the applicant's case for appointment on compassionate ground. Mr. S.K. Mondal, learned counsel appearing on behalf of the applicant submits that the applicant after he was unsuccessful in the physical test for the post of Constable, he was communicated about his willingness for the post of GDA in Health Department by the respondent No. 4, Superintendent of Police, Cooch Behar.

Accordingly, the applicant submitted his written consent to be accepted as a GDA under exempted category which was submitted and received by the respondent office on 04.01.2017. But to his surprise, Mr. Mondal refers to page 23 and 24 where it appears that his application for Group – D under the exempted category was rejected on the ground that the application for compassionate employment was made after more than 18 years. Another reason cited by the respondents for rejection is that the applicant was a minor of just 9 months and 3 days at the time of death of the deceased employee. Hence, in view of the

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notification 251-EMP dated 03.12.2013, he was not found eligible and thus regretted.

Mr. S. Ghosh, learned counsel appearing on behalf of the State submits the reply of respondents which may be kept on record. A copy of which has also been given to Mr. Mondal.

Let the matter appear under the heading “**Reply, Rejection and Objection**” on **03.03.2023**.

SAYEED AHMED BABA
Officiating Chairperson & MEMBER (A)

H.S