

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- 647 of 2022

Ms. Jayanti Gupta - Vs - The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant

:

Mr. S.K. Nandi,
Learned Advocate.

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05.08.2024.

For the State Respondents

Mr. G.P. Banerjee,
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.

The applicant has sought relief by praying for setting aside the impugned order 3517 dated 29.09.2019. By this order, the respondent authority regretted the prayer of the applicant for employment under compassionate ground. The primary reason given for an such rejection is that the applicant was only 5 years 9 months and 10 days old at the time of death of her father on 17.08.2003. Mr. Nandi, learned counsel has appeared on behalf of the applicant and submits that in response to the application of the applicant for an employment under compassionate ground, the respondent authorities invited the applicant to appear before an Interview Board on 26.10.2016. Although, Mr. Nandi does not dispute the reason of rejection on the ground of the applicant being a minor daughter of the deceased employee but he argues that on the date of consideration of her application, the reason relied on for being a minor was not applicable. He refers to Para 6 (c) of the Notification of 251-Emp dated 03.12.2013 which was deleted by an amendment Notification of 26-Emp dated 01.03.2016. Taking support from such amendment, Mr. Nandi submits that the very ground relied on by the respondent authority in rejecting the application for being a minor is not a tenable ground since such clause has already been deleted.

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THE STATE OF WEST BENGAL & OTHERS.

Mr. Banerjee, learned counsel wishes to respond to Mr. Nandi's argument and submit his views on the basis of relevant rules on the next date.

Let the matter appear under the heading **Hearing on 22.01.2025.**

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

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