

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 681 OF 2023

DEVTANU GHOSH - Vs - THE STATE OF WEST BENGAL & OTHERS

Serial No. and
Date of order

For the Applicant : Mr. Sourav Bhattacharjee
Advocate

02
04.01.2024

For the State Respondents : Mr. Sankha Ghosh
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.

The applicant has prayed for setting aside the impugned Memo. dated 09.08.2023. The impugned Reasoned Order issued by the Additional Director of Special Commissioner, Directorate of Health Services rejected the prayer of the applicant for employment under compassionate ground primarily due to the reason that such an application was submitted after a lapse of 7 years and 7 months from the date of death of the employee.

After hearing the submissions and considering the records in this application, the Tribunal has found that though a plain paper application was submitted by the Petitioner within the stipulated time after the death of his mother, but the proforma application was submitted at a very late stage, more than 7 years later. This became the main reason for rejection of his application for compassionate employment. As per the extant rule, covering the modalities of the application for such employment, the outer time limit is two years after the death of the employee.

Mr.S.Bhattacharjee, learned counsel appearing for the applicant

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prays for accommodation to file copies of relevant Apex Court and High Court judgements by the next date to support his case that a plain paper application submitted within the stipulated time would suffice for the respondent authorities to process the application in absence of any proforma application.

Let the matter appear under the heading 'Hearing' on 26th June, 2024.

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

BLR