

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 684 of 2023

Anjana Mukherjee -- **VERSUS** – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. A. Tewari,
Ld. Advocate.
For the State Respondent : None.

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12.10.2023

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

Affidavit of service filed be kept on record.

The applicant has prayed for setting aside the impugned letter dated 17.02.2020. This letter regrets the proposal for employment under compassionate ground to the applicant as she had crossed the age limit of 40 years at the time of the death of her deceased husband, Debashis Mukherjee.

Submission of Mr. Tewari is that though the applicant had crossed the age limit of 40 years but the Notification No. 1267-F(P) dated 10.02.2012 clearly allows the Head of the Department to condone any excess in age for appointment on compassionate ground. Submission is that the respondent authority did not exercise such discretion in this matter and the proposal for appointment under compassionate ground was rejected. Mr. Tewari prays for liberty to allow the applicant to furnish a fresh representation before the Respondent No. 1, Secretary, Public Works Department requesting condonation of the excess in age of the applicant by exercising the discretionary powers as stipulated in Memorandum No. 1267-F(P) dated 10.02.2012.

After hearing the submission of the learned counsel, this application is disposed of by giving liberty to the applicant's side to furnish a fresh representation praying for condonation of excess age before the Secretary, Public Works Department. Let such a representation be filed before the Respondent No. 1, Secretary, Public Works Department along with copy of this order and copy of the Memorandum No. 1267-F(P) dated 10.02.2012. If

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such a representation is furnished by the applicant, the same may be considered in the light of the Finance Department's Notification No. 1267-F(P) dated 10.02.2012 within a period of eight (08) weeks from the date of submission of such representation.

Accordingly, the application is **disposed of**.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

CSM/SS