

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 747 of 2023

Suneti Roy and Another -- VERSUS – The State of West Bengal & Others

Serial No. and
Date of order

For the Applicants : None.

For the State Respondents : Mr. G. P. Banerjee,
Advocate.

04
19.11.2024

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.

In terms of the direction of this Tribunal in OA-131 of 2020, the Divisional Forest Officer, Jalpaiguri Forest Division communicated his decision to the applicant in the matter relating to her application for an employment under compassionate ground. Her application was regretted on the ground that she was a married daughter since 05.02.2015. The reasoned order also was under impression that being a married daughter even on 22.05.2019, the day her father died, she was not entitled for such an employment. From the reasons given for such rejection, it is clear to the Tribunal that the Divisional Forest Officer was not aware of the change in law. Notification No. LABR/419/LAW dated 04.11.2022 is the amendment of Clause 3(b), 3(c) and 3(d) of Notification No. 251-Emp. The existing provisions of this Notification has been amended and by Clause 3(c) of Notification No. LABR/419/LAW, daughters, including married daughters are entitled to apply for compassionate employment. The earlier provisions of 3(c) of Notification No. 251-Emp is no more in force by which married daughters on the date of death of the employee were not entitled to apply for compassionate employment. Since the reasoned order passed by the Divisional Forest Officer is a non est in the eyes of law and not tenable any more, the Tribunal quashes and sets aside the Memo. No. 154 dated 16.01.2023 with further direction to reconsider the proposal in the light of amendment under Notification No. LABR/419/LAW dated 04.11.2022 and

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pass a fresh reasoned and speaking order within four weeks from the date of communication of this order. Such a reasoned order passed be communicated to the applicant within two weeks thereafter.

Accordingly, the application is disposed of.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

S.M.