

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Bikash Bhavan, Salt Lake, Kolkata – 700 091.**

**Present-**

**Mr. Sayeed Ahmed Baba, Officiating Chairperson and Hon'ble Member (A).**

Case No. – OA 777 of 2022.

AMIT JHA – VS- THE STATE OF WEST BENGAL & ORS.

Serial No. and  
Date of order

5  
26.7.2023

For the Applicant : Mr. S. Ghosh,  
Advocate.  
For the State Respondents : Mr. G.P. Banerjee,  
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 23<sup>rd</sup> 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 for the contesting parties, the case is taken up for consideration sitting singly.

The contention of Mr. S. Ghosh is that although the applicant was a minor at the time of death of his father, the deceased employee but was not a minor at the time of consideration of his application for compassionate employment. On the question of his elder brother eligible for such appointment at the time of death of the father, Mr. Ghosh, submits that his elder brother although an adult at the time of death of the father was physically and mentally not capable to accept such an employment.

Mr. G.P. Banerjee, learned counsel for the State respondents prefers to file a reply controverting the above contention of Mr. Ghosh by the next date. Let reply be filed by the respondent by the next date and rejoinder, if any, in the meantime.

Let the matter appear under the heading “Hearing” on 23<sup>rd</sup> November, 2023.

Skg.

(SAYEED AHMED BABA)  
Officiating Chairperson and Member (A).