

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 781 of 2022.

BRAJAMOHAN MAITY - VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

07
29.08.2024

For the Applicant : Mr. M.N. Roy,
Advocate.
For the State Respondent : Mr. S. 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.

In response to what Mr. Roy had submitted on the last date of hearing, Mr. Ghosh, learned counsel appearing on behalf of the State respondents disagrees and argues that the applicant's prayer for such an employment has no merit primarily for the reason that he was a minor at the time of his adopted father's death. Further submission is that since he is the adopted son and to be eligible for a benefit from this scheme, proper deed of adoption had to be submitted. No such deed of adoption has ever been submitted by the applicant, therefore, it nullifies his position as the legally adopted son. Mr. Ghosh also draws attention to paragraph (v) of page 6 in which he has stated "*.....the applicant to appear for hearing with all requisites certificates and testaments in original for verification accompanying his mother, brother and sister on the stipulated date, time and venue...*". By such statement, Mr. Ghosh feels that as an adopted son and legal heir of the deceased employee, he cannot now be dependent on his biological mother and sister.

On his part, Mr. Roy emphasises that due to the legal position of the applicant as the adopted son, the State has favoured him with the family pension and other retiral benefits. Therefore, the legality of his being the adopted son and

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beneficiary of a compassionate employment cannot be questioned at this stage.

Let the matter be listed under the heading "Further Hearing" on 19th
February, 2025.

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

SCN/Skg.

WEST BENGAL ADMINISTRATIVE TRIBUNAL