

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 823 of 2019.

JUI DAS - VERSUS-THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

15
02.01.2024

For the Applicant : Mr. S. Chatterjee,
Learned Advocate.
For the State respondents : Mr. S.N. Ray,
Learned 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 counsel for the contesting parties, the case is taken up for consideration sitting singly.

The applicant claiming to be the daughter of the deceased employee Ashok Saha, prays in this application for compassionate employment. No proper document has been filed in this application to prove her being the daughter of the deceased employee, Ashok Saha. On the contrary, a correspondence dated 17.12.2019 signed by Welfare-cum-Administrative Officer and Ex-Officio Deputy Milk Commissioner states that Kalpana Saha, the widow is the only legal heir of Ashok Saha and there is no mention of any Jui Das in the service papers. Further, Jui Das has never made any application for compassionate employment.

Mr. S.N. Ray, learned counsel presents a copy of instruction he received from the department dated 17.2.2019 in which it is stated that by an affidavit Kalpana Saha, the wife of the deceased employee, Ashok Saha affirms that she is the only legal heir. Further, the same instruction also revealed that Jui Das had never made an application for compassionate employment before the respondent authorities.

Since it is clear that the main issue in this application, whether the applicant Jui Das is the daughter of the deceased employee, Ashok Das or not,

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adjudication of this question the Tribunal does not have the determination to decide on this application. Therefore, the applicant is at liberty to seek remedy in the appropriate forum. This application is disposed of without passing any order by this Tribunal.

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

Sk.

WEST BENGAL ADMINISTRATIVE TRIBUNAL