

**ORDER SHEET****WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-****The Hon'ble Urmita Datta (Sen) Member (J) &  
Hon'ble P. Ramesh Kumar, Member (A)****OA-1142 of 2016****Kongkon Mondal****Vs****The State of West Bengal & Ors.**

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with d and dated signature of parties when nec 3
<p style="text-align: center;"><u>09</u> 21.12.2018</p>	<p>For the applicant : Mrs. Sonali Mitra, Learned Advocate.</p> <p>For the respondent : Mr. S. Bhattacharya, Mr. A. Dutta, Departmental representatives.</p> <p style="text-align: center;">The instant application has been filed praying for following relief :-</p> <p style="text-align: center;">a) An order do issue directing the respondents their agents, subordinates and successors to rescind, cancel and withdraw the impugned memo dated 21.05.2015 in Annexure-E to this application forthwith.</p> <p style="text-align: center;">b) An order do issue directing the respondents, their agents and successors to grant compassionate appointment to the applicant under the died-in-harness category in any post commensurate with the educational qualification forthwith any hindrance from any quarters.</p> <p style="text-align: center;">c) An order directing the respondents, their agents, subordinates and successors to</p>	

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<p style="text-align: center;">09 21.12.2018</p> <p>Page /2</p>	<p>produce all records and proceedings so that conscionable justice may be administered by granting the relief for hereinabove.</p> <p>d) To pass such other or further orders or orders as to the Hon'ble Tribunal may deem fit and proper.</p> <p>As per the applicant, his father died on 31.07.2005 (Annexure-A). Thereafter his mother applied for the compassionate appointment in favour of her son on 24.08.2005. Since he was minor at that material point of time, he filed application for compassionate appointment after attaining majority on 04.08.2006. However, the application of his mother was rejected in the year 15.03.2006 (Annexure-D). Subsequently the prayer of the applicant was rejected by the authority vide order dated 21.05.2015 on the issue of minor at the time of death of govt. employee (Annexure-E), against which the applicant made another prayer for reconsideration. Again by communication dated 11.08.2015, the Deputy Secretary to the Govt. of West Bengal asked the SDL &amp;</p>	

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<p style="text-align: center;">09 21.12.2018</p> <p style="text-align: center;">Page /3</p>	<p>LRO, Basirhat to furnish the certain documents for further examination. As no communication has been made in this regard, being aggrieved, the applicant has filed the instant application in the month of November, 2016.</p> <p>The counsel for the respondent has filed their reply wherein they have stated that the case of the applicant was rejected twice by the authority on the same ground of being minor at the time of death of govt. employee as per the circular prevailing at that point of time of the death of the employee. Subsequently his case was again considered in 2015 and after considering the same under the prevailing circular, his application was again rejected in the year 21.01.2016. However, the order has also not been challenged by the applicant. Therefore, respondents have prayed for quashing of the OA.</p> <p>The applicant has filed his rejoinder wherein he has stated that the first rejection order dated</p>	

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