

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

Hon'ble Justice Soumitra Pal, Hon'ble Chairman.
& Hon'ble Dr. Subesh Kumar Das, Administrative Member.

CASE No. OA 1180 of 2016.
 BANDITA MAHATA -Vs- THE STATE OF W.B. & ORS.

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
<p>8 24.1.2019.</p>	<p>For the Applicant : Mr. A. Mondal, Advocate.</p> <p>For the State Respondent : Mrs. S. Agarwal, No. 1 Advocate.</p> <p>Though the matter has come up under the heading "Reply/Rejoinder and Objection", on the prayer of Mr. M. Mondal, learned advocate for the applicant, the matter is taken up for hearing, which is not opposed by Mrs. S. Agarwal, learned advocate for the respondent no.1.</p> <p>In this application the applicant has challenged the order dated 4th March, 2016 passed by the District Magistrate and Collector, Purulia – the respondent no. 2 whereby her application for appointment in the exempted land loser category has been turned down. It is submitted by Mr. Mondal that as the land of the applicant was acquired in the year 1968 and thus affected , she is entitled for appointment in the said category.</p> <p>Mrs. S. Agarwal, learned advocate for the respondent no. 1 submits that the impugned order is just</p>	

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	<p>and proper as it has been passed after considering the relevant rules and notifications.</p> <p>There is no dispute that Bandita Mahata, the applicant is the grand-daughter of late Falari Mahato, who had lost his land in the year 1968. Under Notification date 21st August, 2008 one member from an uprooted affected family shall be eligible for consideration against vacancies to be reserved for the exempted categories. This is applicable in respect of cases where land was acquired by the State on or after 17th October, 1977. In the instant case, there is no dispute that the acquisition took place in the year 1968 that is much before 17th October, 1977. Hence, under the said notification the applicant is not entitled for employment against the vacancies under the exempted category.</p> <p>Under the Gazette notification dated 5th January, 2005 issued by the Labour Department, the family will be regarded as land loser if it comprises of following members :-</p> <p><i>“.....1. Land loser himself/herself.</i></p> <p><i>2. Wife/Husband of land loser.</i></p>	

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Skg,	<p style="text-align: center;"><i>3. Dependent Sons/Unmarried daughters of the land loser.....”.</i></p> <p>Be it noted she is neither the land loser nor the wife/Husband of land loser nor the dependent sons/unmarried daughters of the land loser. Hence, as there is no infirmity in the order dated 4th March, 2016 issued by the District Magistrate and Collector, Purulia, she is not entitled to the reliefs as prayed for. That apart, perusing the grounds as stated in paragraph 5 of this application, we find that no valid ground has been made out challenging the impugned order. Thus, no order can be passed on this application. The application is rejected.</p> <p>(Subesh Kumar Das) Member(A).</p> <p style="text-align: right;">(Soumitra Pal) Chairman.</p>	

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