

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

The Hon'ble Mrs. Urmita Datta (Sen), Member (J) &amp; OA-189 of 2019

The Hon'ble Mr. P. Ramesh Kumar, Member (A)

Aditi Chowdhury Vs. The State of West Bengal & 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 style="text-align: center;"><u>02</u> 12.04.2019</p>	<p>For the petitioner : Ms. S. Pal, Mr. M.N. Roy,, Learned Advocates.</p> <p>For the respondent : Mr. G.P. Banerjee, Learned Advocate.</p> <p style="text-align: center;">The instant application has been filed challenging the impugned order dated 29.03.2018 whereby the case of the applicant was rejected on the ground that she did not file any proforma application within stipulated period of time as per the notification dated 02.04.2008 as well as notification dated 03.12.2013 of Labour Department, Govt. of West Bengal.</p> <p style="text-align: center;">As per the applicant, her father died on 27.05.2013 leaving behind her mother and the applicant. Thereafter the mother made a representation before the authority on 06.06.2013 praying for consideration of the case of the applicant for compassionate appointment.</p>	

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<p style="text-align: center;">02 12.04.2019</p> <p>Page /2</p>	<p>Subsequently, the applicant was served with the proforma application and she submitted the duly filled up proforma application before the authority and ultimately vide order dated 29.03.2018; the respondents had rejected her case on the ground of delayed filing of proforma application. However, as per the applicant, it is an admitted fact that her mother submitted a plain paper application within time and this Tribunal has held that plain paper application is sufficient to claim for consideration of compassionate appointment as the proforma application has to be served by the department only. Therefore, she had prayed for quashing of the said impugned order.</p> <p style="text-align: center;">The counsel for the respondent has prayed for time to take instruction</p>	

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<p style="text-align: center;">02</p> <hr/> <p>12.04.2019</p> <p style="text-align: left;">Page /3</p>	<p>from the department. But prima facie we find that by reasoned order the respondents did not considered the plain paper application by mentioning two Memos of the Labour Department, which are contradictory to each other. With regard to rejection of the application on the ground of delayed submission of proforma application, it is observed that the proforma is supposed to be supplied by the department and thereafter the applicant can only submit the same as held by this Tribunal in OA-664 of 2016 (Phull Pushilal Vs. State of West Bengal &amp; Ors..</p> <p style="text-align: center;">In view of the above, the impugned order dated 29.03.2018 is quashed and set aside and the respondent no. 1 is directed to re-</p>	

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