

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

The Hon'ble Mrs. Urmita Datta (Sen), Member (J)
The Hon'ble P. Ramesh Kumar, Member (A).

OA-785 of 2019

Kaushalya Devi Prasad 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;">06 11.12.2019</p> <p>Page /1</p>	<p>For the petitioner : Mrs. Lopamudra Moitra, Learned Advocate.</p> <p>For the respondent : None.</p> <p>For the Private Respondent No. 5 : Mr. D.K. Singh, Learned Advocate.</p> <p style="text-align: center;">Affidavit of service has been filed. Let it be kept with the record. Vakalatnama filed by private respondent no. 5. Let it be kept with the record.</p> <p style="text-align: center;">Though affidavit of service has been filed but none appeared for the official respondent. Therefore, earned L.R. is directed to appoint departmental representative immediately before this Court.</p> <p style="text-align: center;">As per the applicant, her husband died on 11.02.1998 leaving behind the applicant and one minor daughter. Subsequently on the assurance of both the applicant and her minor daughter, they had given no objection in favour of their brother in law to get the said job on compassionate ground. Subsequently, her brother in law was given appointment on the assurance that he</p>	

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<p style="text-align: center;">06 11.12.2019</p> <p>Page /2</p>	<p>will look after them and an affidavit in this regard was filed by the respondent no. 5 before giving the job.</p> <p style="text-align: center;">In view of the fact, the applicant made an application before the Joint Secretary and Milk Commissioner, A.R.D. Department on 21.09.2017 for taking necessary action against the respondent no. 5 followed by another representation dated 8.11.2017 that the brother in law is not maintaining her family properly. Thereafter, the respondent no. 5 has only been issued with show cause notice dated 30.07.2018 but till date neither any action has been taken against the said respondent no. 5 nor he is looking after the applicant as per his affidavit. Being aggrieved with she has filed the instant application.</p> <p style="text-align: center;">The counsel for the respondent no. 5 has submitted that he is maintaining the applicant all along.</p> <p style="text-align: center;">However, counsel for the applicant has vehemently objected to the contention of the counsel for</p>	

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<p style="text-align: center;">06</p> <hr/> <p style="text-align: center;">11.12.2019</p> <p style="text-align: left; margin-top: 20px;">Page /3</p>	<p>the respondent no. 5 and has submitted that after couple of months they have not been paid any medical expenses or any other maintenance by the respondent no. 5. It has been further submitted that the old lady is suffering without having proper food and medical facilities and not properly maintaining her at her old age.</p> <p style="text-align: center;">On query made by us, the counsel for the private respondent has submitted that he has already submitted reply to the show cause. Let it be kept on record.</p> <p style="text-align: center;">Heard the parties. From the perusal of the said reply, it is noted that the private respondent no. 5 is admitting that there is a dispute between them as he is not maintaining her properly.</p> <p style="text-align: center;">During the course of hearing the counsel for the applicant has fairly submitted that her client is suffering with acute final crisis and mental agony. The counsel for the respondent no. 5 has filed his reply. The</p>	

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