

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 -880 of 2017

Jugeswar Ram 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 25.09.2019</p> <p>Page /1</p>	<p>For the petitioner : Mr. S.N. Roy, Learned Advocate.</p> <p>For the respondent : Mrs. S. Agarwal, Learned Advocate.</p> <p>The instant application has been filed challenging the impugned order dated 12.09.2014, whereby the case of the applicant was rejected on the ground that the father of the applicant died on 2.12.2003 and the applicant had submitted application for compassionate appointment in prescribed proforma on 25.09.2006 i.e. after three years from the date of death of his father. Clause 14 (a) of the Labour Department's Notification 251-Emp dated 03.12.2013, which has stipulated two years time for filing of application for compassionate appointment but the applicant had filed filled-up proforma application after two years and the applicant was not found fit for compassionate appointment. However, as per the counsel for the applicant, the applicant had filed plain</p>	

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<p style="text-align: center;">06 25.09.2019</p>	<p>paper application on 18.03.2004, i.e. within six months and unless the proforma application will be supplied to him, he could not submit the same. Therefore, on that ground his case should not be rejected.</p> <p style="text-align: center;">During the course of hearing, he has referred one judgement passed by this Tribunal in OA-527 OF 2016 in the case of Arpan De Sarkar Vs. State of West Bengal & Ors. and has submitted his case is fully covered by that judgement. The respondents reiterated their submission on the same contention made in their rejection order dated 12.09.2014.</p> <p style="text-align: center;">Heard both the parties and perused the record. It is noted that only ground for rejection is that the applicant had filed proforma application beyond two years of time, whereas he has filed plain paper application within six months from the date of death of the deceased employee. Therefore, the case of the applicant is fully covered by the said</p>	

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<p style="text-align: center;">06 ----- 25.09.2019</p> <p>sc</p>	<p>judgement. Therefore, we quash and set aside the impugned order dated 12.09.2014 with a direction to the respondents to reconsider the case of the applicant and communicate the decision within 12 weeks by a speaking and reasoned order. Accordingly, OA & MA are disposed of with the above direction.</p> <p style="text-align: center;">P. RAMESH KUMAR MEMBER (A)</p> <p style="text-align: center;">URMITA DATTA (SEN) MEMBER (J)</p>	

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