

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

The Hon'ble Justice Ranjit Kumar Bag
& The Hon'ble Subesh Kumar Das

Case No – OA-871 OF 2017

KUSHAL MAITY Vs. 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><u>03</u> 09.03.18</p>	<p>For the Applicant : Mr.P.K.Mondal Learned Advocate</p> <p>For the Respondent : Mr.R.A.Chowdhury Learned Advocate</p> <p>The applicant has challenged the letter dated March 9, 2017 issued by the Respondent No. 4 (Annexure A-3 to the original application) by filing this application under Section 19 of the Administrative Tribunals Act, 1985.</p> <p>The contention of the applicant is that his father, Krishna Prasad Maity died on September 23, 2007 while he was working as Krishi Prayukti Sahayak at Basirhat-II Block in the district of North 24 Paraganas. The mother of the applicant submitted one application for compassionate appointment, but ultimately the present applicant submitted application for compassionate appointment which was duly considered by the respondents and prayer for compassionate appointment was rejected by issuing letter dated March 9, 2017 which is under challenge in the present application.</p>	

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	<p>Having heard Learned Counsel representing both parties and on consideration of the impugned letter dated March 9, 2017, we find that the Respondent No. 4 has not passed reasoned order for rejecting the application for compassionate appointment. Moreover, the case of the applicant has been considered in accordance with the Notification of the Labour Department dated December 3, 2013 and March 1, 2016, whereas the case of the applicant should have been considered on the basis of the Notification No. 97-EMP dated June 6, 2005 issued by the Labour Department, which was in force at the time of death of the father of the applicant on September 23, 2007. Since the case of the applicant has not been considered on the basis of Labour Department Notification dated June 6, 2005 and since the reasoned order has not been communicated to the applicant under the impugned letter, we set aside the said letter dated March 9, 2017 (Annexure A-3 to the original application).</p> <p>In view of our above findings, we direct the Respondent No. 1, Additional Chief Secretary, Department of Agriculture, Government of West Bengal</p>	

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BLR	<p>to reconsider the case of the applicant for compassionate appointment in accordance with Labour Department Notification No. 97-EMP dated June 6, 2005 on the basis of the materials already available on record by passing a reasoned order within a period of 12 weeks from the date of communication of this order and communicate the result of the same to the applicant within a period of 2 weeks thereafter. With the above direction, the original application is disposed of.</p> <p>Let a plain copy of this order be supplied to both parties.</p> <p style="text-align: center;"> (S.K.DAS) MEMBER(A) </p> <p style="text-align: center;"> (R.K.BAG) MEMBER (J) </p>	

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