

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

The Hon'ble Mrs. Urmita Datta (Sen), Member (J)

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

Case No – OA-1128 of 2017.**Mohan Bagdar. Vs The State of West Bengal & Others.**

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;">05</p> <p>-----</p> <p>16-11-2018</p>	<p>For the Applicant : Mr.S. Ghosh, Mr. R. K. Mondal, Advocates.</p> <p>For the State Respondents : Mrs.S. Agarwal, Advocate.</p> <p>The instant applicant has been filed challenging the rejection order dated 8th December, 2016(Annexure-G) whereby according to the respondent the total monthly income of the family does not fall below 90% of the gross monthly income of the applicant. The monthly income of the family does not fall below the minimum salary of the Group-D employee. However according to the applicant from the perusal of the Inquiry Committee report as well as affidavit filed by the wife of the deceased employee as mentioned in the impugned order of the Joint Secretary. It would evident that the 3 married sons are leaving separately. Therefore as per the settle law that the income of the separately leaving married</p>	

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	<p>sons cannot be taken into account. Therefore the findings of the Joint Secretary are contrary to their own report as well as documents. Hence he has prayed for rejection of the impugned order.</p> <p>The respondent has filed their written statement wherein she has enclosed the Inquiry Committee report. However it has been submitted that the Joint Secretary while taking decision being rightly come to the conclusion that the total monthly salary of all the legal heirs which does not fall below 90%. Therefore he has prayed for dismissal of the OA.</p> <p>We have heard both the parties. It is noted that the Inquiry Committee has clearly given their opinion that the married sons are leaving separately even affidavit filed by the wife of the deceased employee which has been reported by the Joint Secretary in his impugned order as well as other documents are clearly shows that the married sons leaving separately. Therefore, the findings of the Joint Secretary is</p>	

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Mihir	<p>contrary to the applicant as well as their own Inquiry Committee report.</p> <p>In view of the above, we quash and set aside the impugned order and remand back the matter to the respondent no. 1 and to consider the case of the applicant on the basis of the documents and pass a reasoned and speaking order within a stipulated period of time and take a decision within a period of 8(eight) weeks from the date of receipt of this order.</p> <p>Accordingly, the OA is disposed of with no order as to cost.</p> <p>P. RAMESH KUMAR MEMBER(A)</p> <p>URMITA DATTA (SEN) MEMBER(J)</p>	

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