

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

THE HON'BLE SAYEED AHMED BABA, OFFICIATING CHAIRPERSON AND ADMINISTRATIVE MEMBER

Case No. – OA 758 of 2015

Usha Soren - Vs - The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant

:

Mr. G.P. Banerjee,
Learned Advocate.

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30.04.2024

For the respondents

Mr. S. Ghosh,
Learned Advocate.

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638-WBAT/2J-15/2016 (Pt.-II) dated 23rd November, 2022 issued in exercise of the powers conferred under Section 5 (6) of the Administrative Tribunals Act, 1985.

On consent of the learned counsels for the contesting parties, the case is taken up for consideration sitting singly.

The prayer of the applicant for offering an employment under compassionate ground was considered and rejected on the ground that such an application was furnished after more than two years from the date of death of the deceased employee. The husband of the applicant Daman Chandra Soren was a G.D.A. employee at Belpahari, B.P.H.C. had died in harness on 19.08.2007. A plain paper application was submitted before the respondent authorities by the applicant on 12.03.2010 followed by the proforma application on 27.03.2010. Since as per Clause 14(a) of Labour Department's Notification of 251-Emp allows a maximum relaxation of two years, this application was not considered.

Submission of Mr. Banerjee is that as stated in her representation submitted before the respondent authorities on 15.01.2015, due to unfavourable law and order situation in the region, the applicant could not file the application before the respondent authorities within time limit. Mr. Banerjee prays for a direction to the respondent authorities to consider her representation addressed before the Director of Health Services, W.B.

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THE STATE OF WEST BENGAL & OTHERS.

Mr. Ghosh submits that if such a direction is given, the respondent authority will consider the representation as per rules.

Having heard the submissions of the learned counsels, this application is disposed of by directing the Respondent No. 2, Director of Health Services, W.B. to consider the representation for reconsideration of the decision taken by him on 15.12.2014 as per rules within a reasonable period of time. Accordingly, the application is disposed of.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON AND MEMBER (A)

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