

**ORDER SHEET**  
**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Present-**

**The Hon'ble Justice Ranjit Kumar Bag  
& The Hon'ble Dr. Subesh Kumar Das**

**Case No – OA 1070 OF 2017**

**SUBIR KUMAR DAS 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;"><b>01</b> <b>04.04.2018</b></p>	<p><b>For the Applicant</b> : Mr. D. Pal, Mrs. K. Naskar, Learned Advocates.</p> <p><b>For the Respondents</b> : Mrs. S. Agarwal, Learned Advocate.</p> <p style="text-align: center;">Affidavit of service filed today on behalf of the applicant is kept on record.</p> <p style="text-align: center;">Liberty is given to the Advocate on record for the applicant to amend the Cause Title of the Original Application for substitution of the word “Secretary” by the words “Principal Secretary” in course of this day.</p> <p style="text-align: center;">The applicant has prayed for direction upon the respondents to give appointment to the applicant on compassionate ground.</p> <p style="text-align: center;">The contention of the applicant is that the father of the applicant died on July 17, 2004 while he was working as Khalasi under the Department of Irrigation &amp; Waterways, Government of West Bengal. The present applicant submitted application for compassionate appointment on September 5, 2005. The applicant approached the Tribunal by filing OA-1060 of 2015 for inaction on the part of the state respondents. On March 3, 2016, the Tribunal disposed of OA-1060 of 2015 by directing the Secretary, Irrigation &amp; Waterways</p>	

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Form No. ....

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Case No. **OA 1070 OF 2017**

Department, Government of West Bengal to take a decision on the question of compassionate appointment of the applicant within a period of 4 (four) weeks from the date of communication of the order. On May 13, 2016, the Secretary to the Government of West Bengal, Department of Irrigation & Waterways took a decision in connection with the application for compassionate appointment of the applicant by passing a reasoned order. The issue with regard to educational qualification of the applicant has been decided in the said reasoned order, but final decision could not be taken by the Secretary, Department of Irrigation & Waterways, Government of West Bengal in the absence of enquiry report. Ultimately, on August 3, 2016, the applicant submitted application in the prescribed format which was considered by the respondents. On February 28, 2017, the Executive Engineer, Lower Damodar Irrigation Division, Directorate of Irrigation & Waterways forwarded the enquiry report in connection with the compassionate appointment of the applicant to the Superintending Engineer, Damodar Irrigation Circle. The grievance of the applicant is that the state respondents have not yet taken final decision for giving appointment to the applicant on compassionate ground.

Having heard Learned Counsel representing both parties and on consideration of the facts of the present case, we direct the respondent no. 1, Principal

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Secretary, Department of Irrigation & Waterways, Government of West Bengal to consider the case of the applicant for compassionate appointment in accordance with law and on the basis of materials available on record including report of three-men enquiry committee within a period of 12 (twelve) weeks from the date of communication of the order and to communicate the result of the same to the applicant within a period of 2 (two) weeks thereafter.

With the above direction, the Original Application is disposed of.

Let a plain copy of this order be supplied to both parties.

**( S.K. DAS )**  
MEMBER(A)

**( R. K. BAG )**  
MEMBER (J)

Sanjib