

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – **OA 1247 OF 2013**

Narul Islam Laskar 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 |
|------------------------------------|--|--|
| 07 12.04.2018 | <p>For the Applicant : Mr. R. Maiti, Learned Advocate.</p> <p>For the Respondents : Mrs. M. Mallick, Learned Advocate.</p> <p>The applicant has prayed for direction upon the respondents to give appointment to the applicant on compassionate ground.</p> <p>It appears from the materials on record that one Unich Ali Laskar died on July 20, 1999 while he was working as Beldar under Executive Engineer, Joynagar Irrigation Division in the Department of Irrigation & Waterways, Government of West Bengal. Unich Ali Laskar died leaving behind two wives – (i) Balijan Bibi and (ii) Tapura Bibi and 9 (nine) children as legal heirs. 6 (six) children including the present applicant were born from first wife of Unich Ali Laskar and 3 (three) children including the respondent no. 6 were born from the second wife of Unich Ali Laskar. The applicant being the son of first wife of the deceased employee submitted application for compassionate appointment. On the other hand, the respondent no. 6 being the son of second wife of the deceased employee also submitted application for compassionate appointment. On February 14, 2012, the respondent no. 3, Executive Engineer, Joynagar Irrigation Division under Directorate of Irrigation & Waterways, Government of</p> | |

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Narul Islam Laskar

Form No.

Vs.

The State of West Bengal & Ors.

Case No. **OA 1247 OF 2013**

West Bengal forwarded the name of the respondent no. 6 to the Assistant Secretary to the Government of West Bengal, Department of Irrigation & Waterways, for compassionate appointment. The grievance of the present applicant is that his application for compassionate appointment submitted on April 4, 2007 has not yet been considered by the respondents. Since there are two applicants for compassionate appointment, it is the duty of the respondents to decide who is eligible for compassionate appointment on consideration of their respective claims and the income of the family of the deceased employee as per Notification issued by the Labour Department, Government of West Bengal, which was in force at the time of death of the concerned employee.

In view of our above findings, we direct the respondent no. 2, Director of Personnel & Ex-Officio Chief Engineer, Department of Irrigation & Waterways, Government of West Bengal to consider the application of both the applicant and the respondent no. 6 in accordance with law and take a decision after giving both the applicant and the respondent no. 6 an opportunity of hearing within a period of **16 (sixteen) weeks** from the date of communication of the order and to communicate the result of the same to the applicant and the respondent no. 6 within a period of **2 (two) weeks** thereafter. The applicant and the respondent no. 6 are directed to furnish information/document, if

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Form No.

Vs.

The State of West Bengal & Ors.

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any, required by the respondent no. 2 within a period of 2 (two) weeks from the date receiving intimation from the respondent no. 2. If the applicant or the respondent no. 6 does not furnish any information/document within the stipulated period of time, the respondent no. 2 is at liberty to take an adverse view against the defaulter and to take decision in accordance with law.

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