

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman.

& The Hon'ble Sayeed Ahmed Baba, Administrative Member.

Case No. –CCP 18 of 2021 (OA-952 of 2018).

Manoj Rai . – Versus – Monish Jain, The Principal Secretary, Department of Higher Education, The State of West Bengal and Others.

Serial No. and Date of order For the Applicant : Mr. T. K. Majumder, Advocate.

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13.05.2022. For the Alleged Contemnor / Respondent : Mrs. S. Agarwal, Advocate.

Let vakalatnama filed by Mrs. S. Agarwal, learned advocate for the alleged contemnor / respondent be kept on record.

This contempt application has been filed by the applicant alleging violation of the directions contained in the order dated 7th November, 2019 passed in OA-952 of 2018 : Manoj Kumar Rai-Vs- The State of West Bengal and Others, the relevant portion of which is as under :

“Since we find that the appointment was made on a contract basis and thereafter, he was disengaged, no order can be passed on this application. However, as the Commanding Officer, 3, Bengal Bn. N.C.C. vide intimation dated 28th November, 2003 to the Deputy Secretary, Govt. of West Bengal, Home (Civil Defence – NCC) Department, Kolkata made a request to put the applicant in the regular establishment in the then pay scale of Group –D staff as per Ropa, 1998, respondent authorities, if in a position to do the needful even after the passage of so many years , are at liberty to put the applicant in the said job, if available, on same terms and conditions and in accordance with law expeditiously.”

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Pursuant to the said order passed by the Tribunal, the alleged contemnor Manish Jain, the Principal Secretary, Department of Higher Education, Government of West Bengal, has passed an order, the relevant portion of which is as under :

“Since the appointment on compassionate ground is regulated under Labour Department’s Notification No. 251-EMP dated 03.12.2013, the case relating to the appointment on compassionate ground of Sri Manoj Kumar Rai, the son of Late Udaybhan Rai has been considered in light of the above mentioned Labour Department’s Notification. Clause 10(a) of the Notification reads as follows :

“If the family of the deceased or the employee retired on being permanently incapacitated is in need of financial assistance and the same is absolutely necessary to support the family, application for employment is to be submitted within six months from the dated of death or retirement on permanent incapacitation. If no application is submitted within the said period it will be presumed that the family does not require any financial assistance. In no case application submitted after expiry of the above period will be entertained.”

After due consideration, it is observed that at his belated stage the case of Sri Manoj Kumar Rai is totally time barred and hence the claim of the petitioner lacks merit.

So, under existing guidelines of State Government the case of Sri Manoj Kumar Rai has been considered and rejected under

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Labour Department's Notification No. 251-EMO dated 03.12.2013

Let a copy of this order be served upon the petitioner immediately."

Since we find that pursuant to the order of the Tribunal the alleged contemnor has passed an order, no further order need be passed on the contempt application.

Therefore, the contempt proceedings are dropped. The contempt application is disposed of.

(SAYEED AHMED BABA)
MEMBER (A)

(SOUMITRA PAL)
CHAIRMAN

S.M.