

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. –CCP 73 of 2022 (OA 521 of 2020)

Baby Aish - VERSUS – Ms. Sanghamitra Ghosh & Ors, Secretary, Deptt. Of Women and Child Development and Social Welfare, Govt. of West Bengal.

Serial No. and Date of order	For the Applicant	: Mr. Bharat Bhushan, Mr. Shaon Bhattacharya, Learned Advocates.
<u>03</u> 17.11.2022	For the Contemnor/O.P	: Mr. S.N. Ray, Learned Advocate.

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 536-WBAT/2J-15/2016 dated 26th August, 2022 issued in exercise of the powers conferred under Section 5 (6) of the Administrative Tribunals Act, 1985.

Today the counsel for the contemnor has filed one compliance report enclosing the reasoned order. The said compliance report has not been filed in a proper format, only a Memo dated 16.11.2022 referring to the counsel for the contemnor by the Director of ICDS has been placed as compliance report. Though the documents are not acceptable as compliance report, however, after going through the said reasoned order, it is noted that the Director of ICDS has rejected the representation / claim of the applicant, which is as follows:

“Hence, Relief as sought for by the petitioner has been considered and rejected.”

It is noted that while disposing of the O.A., this Tribunal has in their order dated 11.03.2022 passed the following order:

“Subsequently, the State respondents have complied with the direction passed in OA No. 1646 of 1998 (supra) and submitted a compliance report before the Tribunal on 8th

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February, 2019 in C.C.P. No. 41 of 2008. Thereafter, the applicants individually submitted representation to the respondent No. 3 herein (Annexure A/10) to the original application praying for reliefs in terms of O.A. No. 1646 of 1998 and WPST No. 147 of 2009. The aforesaid representations are still pending for disposal as the respondents, especially the respondent No. 3, is yet to take a decision in the light of the ration of law decided by the Tribunal in O.A. No. 1646 of 1998, which has been affirmed by the High Court, Calcutta in WPST No. 147 of 2009, which was further affirmed by the Hon'ble Supreme Court on 5th February, 2018.

After considering the aforesaid factual aspect of the case and submission of the learned counsel of the contesting parties, all the applications are disposed of by directing the Director of ICDS, Government of West Bengal, Kolkata, the respondent No. 3, to consider and dispose of the representations of the applicants, being annexure (Annexure A/10) in all the applications, strictly adhering to settled principles of law and laid down in O.A. No. 1646 of 1998 and in WPST No. 147 of 2009 within a period of fifteen weeks from the date of presentation of the copy of this

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**order downloaded from the website of the
Tribunal.”**

From the above, it is clear that the Tribunal had directed the authority to consider the representation of the applicant in the light of the order passed in O.A. No. 1646 of 1998, which was subsequently affirmed by the Hon'ble High Court, Calcutta in WPST No. 147 of 2009 followed by affirmation of the Hon'ble Apex Court in their order dated 05.02.2018. Therefore, as the Tribunal had directed to consider their case whether they are similarly circumstanced or not with regard to the said afore mentioned cause, the Director of ICDS, instead of verifying whether they are similarly circumstanced or not, had rejected the representation on the ground that they are not party in the said O.A., which is not relevant while deciding representation vide order dated 11.03.2022. Therefore, as the submission of the contemnor is not at all acceptable, the contemnor is directed to file proper compliance report by the next date after serving a copy to the applicant. Let the matter be listed on 10.01.2023 under the heading 'For Orders'.

Mrs. URMITA DATTA (SEN)
Officiating Chairperson & Member (J)

A.K.P.