

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. –OA 297 of 2021

AMIT PAUL - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr.S.S.Roy Advocate
<u>02</u> 23.07.2021	For the State respondents	: Mr.G.P.Banerjee Advocate

The matter is taken up by the single Bench pursuant to the Notification No.949-WBAT/2J-15/2016 dated 24th December, 2020 and 456-WBAT/2J-15/2016 dated 16th July, 2021 issued in exercise of the powers conferred under section 6(5) of the Administrative Tribunals Act, 1985.

Since despite service of notice none appears on behalf of the State respondents, Mr.G.P.Banerjee, learned advocate who normally appears on behalf of the State respondents, is requested to appear in this matter. The Legal Remembrancer, West Bengal is directed to regularise the appointment of Mr. Banerjee. Let a copy of the application be served by Mr.S.S.Roy, learned advocate for the applicant on Mr.Banerjee.

In this application, the applicant has prayed for certain reliefs, the relevant portion of which is as under:-

“ (a) Issue a direction commanding the Respondents and each of them to act in accordance with law and to show cause as to why the Respondents should not be directed forthwith to appoint the Applicant under the scheme of Compassionate Appointment and on failure to show reasonable cause, the rule to be made absolute.”

It appears that Raghunath Paul, the father of the applicant, a semi-skilled worker under the Directorate of Dairy Development, Central Dairy had expired on 1st September, 2011. The applicant on 5th November, 2012 had applied for appointment on compassionate ground as evident from annexure-“A” of the application. The Chairman, (Enquiry Committee) – the respondent

no.2 (iii) directed the applicant to submit certain documents as evident from the original application. On 14th March, 2018, the applicant had filed the documents. The grievance of the applicant is that though necessary documents have been submitted, the respondents have failed to consider the case of the applicant. Thereafter on 5th March, 2020 the applicant had filed a representation before the authorities for appointment on compassionate ground which according to him is yet to be considered.

Mr.G.P.Banerjee, learned advocate for the State respondents submits, if directed, the respondent authorities will consider the matter in accordance with law.

Having heard the learned advocate for the parties and considering the facts and circumstance of the case, the application is disposed of by directing the Milk Commissioner, West Bengal, the respondent no. 2 (ii), having its office under the Directorate of Dairy Development, to pass a reasoned order regarding the matter to be communicated to the parties, after giving an opportunity of hearing to the applicant and to the heirs of late Raghunath Paul within fifteen weeks from the date of presentation of a copy of this order downloaded from the Internet/ website after verifying the records and after making an enquiry. If it is found that the applicant is eligible for appointment, necessary orders for appointment on compassionate ground shall be passed by the State respondents within fifteen weeks thereafter.

Since for circumstances beyond control the Registry is unable to furnish plain copies of this order to the learned advocates for the parties, the Registry is directed to upload this order on the website of the Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.

BLR

(SOUMITRA PAL)
CHAIRMAN