

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman.

Case No. - OA-1019 of 2017

Sri Saurabh Chowdhury. - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order For the Applicant : Mr. G. P. Banerjee, Advocate.

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24.02.2021 For the State Respondents : Mrs. S. Agarwal, Advocate.

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

Let affidavit of service filed today be kept on record.

Since despite service of notice none appears on behalf of the State respondents, Mrs. S. Agarwal, learned advocate, who normally appears on behalf of the State respondents, is requested to appear in this matter. Let a copy of the application be served on her which is served and accepted. The Legal Remembrancer, West Bengal is directed to regularise the appointment of Mrs. Agarwal.

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

“a. An order be passed commanding the Respondents and each of them to forthwith consider granting the prayers of the applicant for compassionate appointment in place of his late father Shyamal Kumar Chowdhury in accordance with law by following due process with all consequential benefits ”

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It appears that Shyamal Kumar Chowdhury, a Clerk-cum-Typist of Agriculture Office, Balichak, who had joined on 15th March, 1979, had expired on 9th July, 2001, while in service leaving behind the applicant, then a minor and his mother Anju Chowdhury.

The mother of the applicant made an application on 17th May, 2010 for appointing the applicant on compassionate ground on his attaining majority but it is alleged that no action has been taken. It has been stated that though the family of the applicant is receiving family pension which is no bar for appointment on compassionate ground, appropriate order may be passed as the father of the applicant was the sole bread earner of the family. Submission is though representation dated 17th May, 2010 by the mother of the applicant and a representation dated 17th May, 2010 was made by the applicant, those have not been considered. Aggrieved the application has been filed.

It is submitted Mr. G. P. Banerjee, learned advocate for the applicant that the respondents may be directed to consider the representations for appointment of the applicant on compassionate ground.

Mrs. S. Agarwal, learned advocate appearing on behalf of the State respondents submits, if directed, the respondent authorities will consider the representation in accordance with law.

Having heard the learned advocates for the parties and considering the facts and circumstances of the case, the application is disposed of by granting liberty to the applicant to file a representation afresh ventilating his grievances before the Additional Chief Secretary, Department of

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Agriculture, Government of West Bengal, -the respondent no. 1, within eight weeks from the date of obtaining a copy of this order downloaded from the internet/website. If such representation is filed, the respondent no. 1 shall dispose of the same by passing a reasoned order to be communicated to the parties within 15 weeks, after giving a opportunity of hearing and after making necessary enquiry and after verifying the records.

I make it clear that I have not gone into the merits of the application and all points are kept open to be dealt with by the respondent authorities.

(SOUMITRA PAL)
CHAIRMAN

S.M.