

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. –OA 1223 of 2015

*Modassar Hoque* - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No.	For the Applicant	: Md. M. Hossain,
and		Mr. S. Gayen,
Date of order		Mr. S. Maity,
<u>25</u>		Advocates.
12.08.2022	For the State Respondent	: Mr. D. Kole,
		Advocate.

The matter is taken up by the single Bench pursuant to the order contained in the Notification No. 496-WBAT/1E-08/2003 (Pt.-II) dated 4<sup>th</sup> August, 2022 issued in exercise of the powers conferred under section 6 (5) of the Administrative Tribunals Act, 1985.

Mr. D. Kole, learned advocate had appeared in this matter on behalf of the State respondents pursuant to the order of the learned Registrar. Today also, he appears on behalf of the State respondents. The Learned Legal Remembrancer, West Bengal is directed to regularise the appointment of Mr. Kole.

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

*“.....(a) An order directing the respondents, their agents, subordinates and successors to grant compassionate appointment to the applicant under the died-in-harness category in any post commensurate with her educational qualification forthwith without any hindrance from any quarters;”*

It appears that the directions were issued to file reply and rejoinder. Reply and rejoinder have been filed and are on record. It is submitted by Mr. M. Hossain, learned advocate for the applicant that in view of the order dated 3<sup>rd</sup> April, 2009 passed by the Director of Animal Husbandry and Veterinary Services, West Bengal the applicant, son of Late Manjur Haque may be given appointment on compassionate ground as his father faced premature death on 18<sup>th</sup> April, 2007.

Form No.

**Vs.**

Case No. **OA 1223 of 2015**

**THE STATE OF WEST BENGAL & ORS.**

Mr. Kole, learned advocate appearing on behalf of the State respondents relying on paragraph 7 of the reply submits that as the mother of the applicant was getting family pension regularly and was an Assistant Teacher of Torabalitola Primary School under the West Bengal Primary Education Council, no order may be passed.

Since by order dated 3<sup>rd</sup> April, 2009, the Director of Animal Husbandry and Veterinary Services, West Bengal, the respondent no. 2 has held that the application of the applicant for compassionate appointment "*is a fit case which deserves consideration for employment on compassionate ground. But in this Directorate, there are series of cases pending. So, this Directorate processing prayers for employment on compassionate ground strictly following the death of ex-employee.*

*At present, upto 2008 cases were processed. So, the prayer of the Petitioner will be processed according to its serial in due course",* the application is disposed of by directing the said respondent no. 2 to take a decision by passing a reasoned order to be communicated to the applicant, in the light of the said order dated 3<sup>rd</sup> April, 2009, within eight weeks from the date of presentation of a copy of this order downloaded from the website of the Tribunal after giving an opportunity of hearing and after making necessary enquiry.

**(SOUMITRA PAL)  
CHAIRMAN**

CSM/SS