

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman.

**Case No. –OA-131 of 2021**

**Manoj Ray. - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. and Date of order	For the Applicant	: Mrs. S. Agarwal, Advocate.
<u>2</u> 5.4.2021	For the State Respondents	: Mr. S. N. Ray, Advocate.

The matter is taken up by the single Bench pursuant to the Notification No. 949-WBAT/2J-15/2016 dated 24<sup>th</sup> 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.

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

*“a) A mandatory order directing the respondents to appointment the applicant in a suitable post on compassionate ground on the death of his father on 27<sup>th</sup> March, 2017 after compliance of all necessary formalities without any delay keeping in view that the applicant's father had completed only eight years service and no family pension has been granted to the family of the deceased and there is no earning member in the family and to act accordance with law.”*

It appears that Samarendra Nath Roy, was a General Duty Attendant in the District Hospital at Jalpaiguri. On 27<sup>th</sup> March, 2017, the father of the applicant expired, while in service, leaving behind his wife, two married daughters and son - the applicant. It has been stated that the mother of the applicant is ineligible for family pension as the father of

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the applicant had completed only eight years of service. The applicant who had passed Madhyamik Pariksha of the West Bengal Board of Secondary Education in the year 2011 and thereafter had passed Higher Secondary Examination of the West Bengal Council of Higher Secondary Education in the year 2013 and had completed diploma course in Information Technology Application and belongs to Rajbanshi caste, a recognized Scheduled Caste under Constitution (Scheduled Castes) Order, 1950, had applied for appointment on compassionate ground on 22<sup>nd</sup> May, 2017. It has been stated that though a three member committee has been constituted, for appointment, as evident from the memo dated 25<sup>th</sup> September, 2017 issued by the Chief Medical Officer of Health, Jalpaiguri –the respondent no. 2 (iv), however, till date, no steps have been taken.

It is submitted by Mrs. S. Agarwal, learned advocate for the applicant that though a representation dated 20<sup>th</sup> January, 2021 was furnished before the respondent authorities, no steps have been taken. Aggrieved, this application has been filed.

Mr. S. N. Ray, learned advocate for the State respondents submits, if directed, the respondent authorities shall take steps in accordance with law.

Having heard the learned advocates for the parties and considering the facts and circumstances of the case and as prayed for on behalf of the applicant, the application is disposed of by directing the Director of Health Services, Government of West Bengal, - the respondent no. 2 (ii), to dispose of the representation dated 20<sup>th</sup> January, 2021, being Annexure-‘A-8’ to the application, by passing a reasoned order to be

**ORDER SHEET**

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communicated to the parties within 15 weeks from the date of presentation of a copy of this order downloaded from the internet / website, after giving an opportunity of hearing to the applicant and other heirs of late Samarendra Nath Roy and after verifying the records, including the enquiry report, if any, of the three member committee.

I make it clear that I have not gone into the merits of the matter and all points are kept open to be dealt with by the respondent no. 2 (ii).

(SOUMITRA PAL)  
CHAIRMAN

S.M.