

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

**Present-**

**The Hon'ble Justice Soumitra Pal, Chairman**

**Case No. - OA 171 OF 2021**

**CHOTAN BAURI - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. and Date of order	For the Applicant	: Mr. Jayanta Dey, Advocate
<u>2</u> 05.04.2021	For the Respondent	: 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.

Affidavit of service filed today be kept on record.

In this application, Chotan Bauri, the applicant has prayed for “An order directing the respondents, their agents, subordinates and successors, to give compassionate appointment of the petitioner under died-in-harness category in a post commensurate to his educational qualification forthwith”.

It appears that Sabitra Bauri, the mother of the applicant, a Group-D staff attached to the P.W.D., Raghunathpur, Purulia, had expired while in service on 2<sup>nd</sup> December, 2008. The applicant belongs to the Scheduled Tribe category. Thereafter the applicant had filed an application for appointment on compassionate ground as evident from the memo dated 31<sup>st</sup> December, 2013 issued by the Executive Engineer, Purulia Division (P.W.D.), the respondent no.6 addressed to the Superintending Engineer, Public Works Department, West Circle No.I, Court Compound, Burdwan, the respondent no.5. Subsequently the documents of the applicant were verified. It also appears from an intimation dated 17<sup>th</sup> October, 2014 issued by the Deputy Secretary – II, Public Works Department, Government of West Bengal the respondent no.3 to the Chief Engineer (Headquarters), Public Works Directorate, the respondent no.4 that necessary direction may be taken for issuance of P.V.R. and for medical

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examination of the candidates including the applicant. Accordingly medical examination was conducted. According to the applicant since the matter is pending for long appropriate order may be passed.

It appears from the memo dated 3<sup>rd</sup> November, 2016 issued by the T.A. to Superintending Engineer, Western Circle, Social Sector, Public Works Directorate addressed to the applicant, there was some confusion regarding the spelling of the name of the applicant. Pursuant thereto the applicant had filed an affidavit affirmed on 5<sup>th</sup> November, 2016 affirming that “Chhoton Bauri and Choton Bauri is one and the same person....”.

It is submitted by Mr. Jayanta Dey, learned advocate for the applicant that a representation dated 30<sup>th</sup> August, 2019 was furnished and as the issue is pending since long before the Joint Secretary, Public Works Department, West Bengal, the respondent no.2, appropriate order be passed.

Mr. S.N. Ray, learned advocate for the State respondent submits that since there is an adverse report the matter could not be finalised.

Having heard the learned advocates for the parties and considering the facts and circumstances of the case, since representation dated 30<sup>th</sup> August, 2019 has been furnished by the applicant, the application is disposed of by directing the Joint Secretary, Public Works Department, Establishment Branch, Howrah, the respondent no.2, to dispose of the said representation by passing a reasoned order, to be communicated to the parties within fifteen weeks from the date of presentation of a copy of this order downloaded from the internet / website, after giving an opportunity of hearing, after making necessary enquiry and after verifying the records. In the reasoned order the respondent no.2 shall deal in detail regarding the records relied on. I, however, make it clear that I have not gone into the merits of the matter and all points are left open to be dealt with by the respondent no.2.

SCN.

(SOUMITRA PAL)  
CHAIRMAN