

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. – OA 190 OF 2022

MITA DAS - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

For the Applicant

: Mr. Gaurav Haldar,
Mr. Arindam Mitra,
Advocates

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19.07.2022

For the Respondents

: Mrs. Sonali Mitra,
Advocate

The matter is taken up by the single Bench pursuant to the order contained in the Notification No.118-WBAT/1E-08/2003 (Pt.-II) dated 11th February, 2022 issued in exercise of the powers conferred under section 6(5) of the Administrative Tribunals Act, 1985.

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

“(a) *An order do issue directing the respondent authorities to take further necessary course of action for offering appointment on compassionate ground in die-in-harness category in favour of the applicant under Group “C/D” category commensurate to her educational qualification within a stipulated time period.*

(b) *An order do issue directing the respondent authorities specially the respondent no.2 herein being The Principal Secretary, Agriculture Department, Government of West Bengal to dispose of the issue relating to appointment on compassionate ground after giving an opportunity of hearing, and to communicate his decision within a stipulated time period.”*

It appears that the applicant is the daughter of Madan Mohan Das, a “Krishi Sramik” in the office of the Assistant Director of Agriculture (Administration), Soil Conservation Research Station who expired on 18th December, 2020 while in

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service. The applicant states that she is the married daughter of the deceased Madam Mohan Das and during the life time of her father she was living with her father and was fully dependant on him owing to his matrimonial dispute and after her father's demise she is in penury. It has been stated that the applicant made an application for compassionate appointment on plain paper on 16th March, 2021. It appears that the applicant on 7th May, 2021 has also filed an application for appointment on compassionate ground in the prescribed format, which is appearing at page 12 of the application. Submission is since the other legal heirs of the deceased employee have given "no objection" declaration in favour of the applicant, as evident from annexure 'D' to the application, and as the application for compassionate appointment has been forwarded by the Assistant Director of Agriculture (Administration), Soil Conservation Research Station, Abash, Paschim Medinipur, the respondent no.5 on 13th July, 2021 to the Joint Director of Agriculture (Soil Conservation), Government of West Bengal, Kolkata, the respondent no.4, appropriate order may be passed.

It is submitted by Mr. Gaurav Halder, learned advocate for the applicant that in view of the judgement of the Special Bench of Calcutta High Court passed on 13th September, 2017, in C.A.N. 12495 of 2014 in F.M.A. 1277 of 2015 with W.P.S.T. 447 of 2013 : The State of West Bengal & Ors. vs. Purnima Das & Ors., which has been affirmed by the Supreme Court by order passed in SLP 17563 / 2018 on 23rd July, 2019 and in view of the judgement passed by the Supreme Court in Civil Appeal no.403 of 2022 (Arising out of SLP(C) No.936 of 2022 : Malayananda Sethy vs. The State of Orissa and Ors. passed on 20th May, 2022, appropriate order may be passed.

Mrs. Sonali Mitra, learned advocate for the State respondents submits that if directed, the respondent authorities will consider the matter in accordance with law.

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Having heard the learned advocates for the parties and considering the facts and circumstances of the case, the application is disposed of by directing the Principal Secretary, Agriculture Department, Government of West Bengal, the respondent no.2 to dispose of the matter relating to grant of compassionate appointment to the applicant by passing a reasoned order to be communicated to the parties 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, after verifying the records and after considering the judgements passed in the State of West Bengal & Ors. vs. Purnima Das & Ors.(supra) and in Malayananda Sethy (supra).

SCN.

(SOUMITRA PAL)
CHAIRMAN