

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. - OA 190 of 2020

Eshita Guha Majumder Talukder VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicant	: Mr. G. Halder, Advocate.
	For the State Respondent	: Mr. G.P. Banerjee, Advocate.
<u>03</u> 22.01.2021		

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.

Affidavit of service filed today, be kept on record.

It is submitted by Mr. G. Halder, learned advocate for the applicant, that though the matter has come up under the heading “Admission Hearing”, the matter may be heard on the basis of the record to which Mr. G.P. Banerjee, learned advocate for the respondent, in his usual fairness, does not object. The matter relates to the appointment of the applicant on compassionate ground.

It appears that Chandan Talukder, the father of the applicant was appointed as constable in the year 1984 and was subsequently promoted in 2016 as Assistant Sub-Inspector of Police under the Reserve Officer, Coochbehar. The father of the applicant expired on 5th April, 2017 while in service. The applicant had passed Higher Secondary Examinations from West Bengal Council of Higher Secondary Examination in the year 2012 and fulfills the criteria for being appointed to the post of Assistant Sub-Inspector. It appears from the application that immediately after the death of the father of the applicant, the applicant applied for appointment on compassionate ground in place of her deceased father. During the pendency of the application the District Magistrate and Collector, Coochbehar has issued Heirship certificate. It appears that the

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authorities by memo dated 19th July, 2018 had directed the respondents to take steps for appointment on compliance of necessary formalities. In the said memo the name of the applicant appears against serial no. 5. It is submitted by Mr. Halder that though the applicant has fulfilled the formalities yet no action has been taken by the respondents to appoint the applicant on compassionate ground.

Mr. G.P. Banerjee, learned advocate appearing for the state respondents submits on instruction that the applicant had applied for appointment in a Group 'D' post and not for the post of Assistant Sub-Inspector of Police. However, if directions are issued for consideration of the application of the applicant for appointment on compassionate ground necessary orders would be passed in accordance with law. Mr. Banerjee, further submits on instruction that by memo dated 16th April, 2019, it has been intimated by the Director General and Inspector General, West Bengal to the Assistant Secretary, Government of West Bengal, Home (Police) Department that the case of the applicant has been recommended for appointment for Group 'D' post in the exempted category as a special case on compassionate ground. If directions are issued necessary steps would be taken for appointing the applicant in accordance with law. On a query, it is submitted that in view of the instruction there is no requirement to file written reply to the original application.

Having heard the learned advocates for the parties and considering the submission made by Mr. Banerjee, the application is disposed of by directing Additional Chief Secretary, Department of Home (Police), Government of West Bengal, the respondent no. 2(i), to pass a reasoned order with regard to the appointment of the applicant in view of the memo no. 158/1/Spl./Emp-184/2018 dated 16th April, 2019 within 8 (eight) weeks from the date of presentation of a copy of this order

ORDER SHEET

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downloaded from the Internet/Website. Let the copy of the memo dated
16th April, 2019 filed be kept on record.

(SOUMITRA PAL)
CHAIRMAN

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