

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman.

Case No. –OA-277 of 2019

Gobinda Ghosh. - Versus - The State of West Bengal & Others.

Serial No. and Date of order	For the Applicant	: Mr. P. Dhole, Mrs. S. Mitra, Advocates.
<u>11</u> 14.07.2022.	For the State Respondents	: Mr. A. De, Mrs. R. Sarkar, Departmental Representatives.

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, Gobinda Ghosh – the applicant has prayed for the certain reliefs, the relevant portion of which is as under :

“a) To direct the respondents to act in accordance with law to appoint the applicant in place of his father in the post group ‘C’ employee as per judgement of the Hon’ble Tribunal dated 29.06.2016 in O.A. No. 1042 of 2013 without inviting no objection certificate from Srimati Krishna Ghosh step mother of the applicant.

b) To direct the respondent no.vi to grant proportionate share of service benefit of late Gopal Chandra Ghosh as legal heir immediately;”

It appears from records that earlier the applicant had filed an application, being OA-1167 of 2012 which was disposed of by the Tribunal by order dated 30th November, 2012 by directing the authorities, inter alia *“to consider the grievance of the present petitioner*

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for appointment on compassionate ground as claimed in the instant application treating the same as a representation along with all its enclosures and to dispose of the same within a period of four months from the date of communication of this order.....”

Pursuant to the said order the Director of Land Records and Surveys and Joint Land Reforms Commissioner, West Bengal – the respondent no.2(ii) vide order dated 12th April, 2013 heard the matter and passed a reasoned order, the relevant portion of which is as under :

“In this case both the petitioner Shri Gobinda Ghosh and 2nd wife of the deceased have claimed appointment under died-in-harness category due to death of Late Gopal Ghosh. As the petitioner was living separately Independent of his father and the family raised by his father after his 2nd marriage with Smt. Krishna Ghosh, the petitioner has to settle amicably with the 2nd wife of his father, who will claim for employment as Government can employ only one member of the family of the deceased.

Hence ordered that the prayer of the petitioner for compassionate appointment is considered and rejected.”

Thereafter, the applicant filed an application, being OA-1042 of 2013, which was disposed of by the Tribunal by order dated 29th June, 2016, the relevant portion of which is as under :

“Taking a practical view of the issue, we feel that it would be appropriate that the DLR&S and Jt. LRC, WB keeps in mind these relevant facts and takes a decision in respect of the prayer for

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Compassionate Appointment of the Applicant in supersession of of the claim of his step-mother Shrimati Krishna Ghosh for the reasons discussed by us in the foregoing paragraphs. In other words, the Tribunal finds the Applicant has otherwise made out a prima facie case in his support for staking a claim for Compassionate Appointment after the death of his Late Father who was the Bread Winner of the Family.

The application is accordingly disposed of with a direction on the Director of Land Records & Surveys and Joint Land Reforms Commissioner, West Bengal to consider the prayer for Compassionate Appointment of the Applicant and take a decision within a period of 8 (Eight) weeks from the date of communication of this Order.”

Pursuant to the said order dated 29th June, 2016 passed in OA-1042 of 2013, the Director of Land Records & Surveys and Joint Land Reforms Commissioner, West Bengal had passed an order on 9th March, 2017, the relevant portion of which is as under :

“From the above observation of the Hon’ble West Bengal Administrative Tribunal it appears that Hon’ble Tribunal has settled the issue of employment assistance on compassionate ground in favour of Shri gobinda Ghosh, the son of deceased employee Late Gopal Chandra Ghosh.

On the other hand in a report dated 10.01.2017, the Three Men Screening Cum Enquiry Committee has strongly recommended the case of Shri Gobinda Ghosh for employment assistance on compassionate ground.

Therefore, I am of the opinion that the case of Shri gobinda

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Ghosh is a fit case for employment assistance on compassionate ground in the post of a group- 'C' employee.

Thus the case be recommended and forwarded to the Land and Land Reforms for taking further course of action."

Perusing the records, I find that the second wife of Late Gopal Chandra Ghosh, that is, Krishna Ghosh has been impleaded as private respondent no. 2 (vi). Perusing the affidavit of service affirmed, on 18th April, 2019 and the records, it is evident that the Tribunal had passed an order on 18th April, 2019 which is as under :

"Affidavit of service has been filed be kept on record.

Departmental representative on behalf of the respondent nos. 1, 2, 4 & 5 appear. However none appear for the private respondent. Therefore registry is directed to send notice for her appearance by the next date. Reply be filed by 4(four) weeks and rejoinder, if any, by 2(two) weeks thereafter. Let the matter be listed on 05-08-2019 for reply and rejoinder."

Pursuant to the said order, the Registry by intimation dated 26th April, 2019 had forwarded a copy of the order no. 02 dated 18th April, 2019 passed by the 3rd Bench of the Tribunal to Krishna Ghosh, the private respondent for her appearance by the next date, that is on 5th August, 2019 as per the direction of the Bench. However, none appeared on behalf of the private respondent. Today also none appears for the private respondent.

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Mr. P. Dhole, learned advocate for the applicant submits, on instruction, that by memo dated 27th June, 2022, the Additional Director of Land Records & Surveys, West Bengal has requested the District Land & Land Reforms Officer, Coochbehar to appoint Gobinda Ghosh, the applicant against the vacancy of Group-C post as Amin in the exempted category of died-in-harness matters.

Mr. A. De, the Departmental Representative submits, on instruction, that by intimation dated 7th June, 2022 issued by the Special Secretary to the Government of West Bengal to the Director of Land Records & Surveys and Joint Land Reforms Commissioner, West Bengal, the respondent no. 2 (ii) it has been intimated that approval has been granted for offering “*employment assistance*” to the applicant against the Group-C post.

Let copies of the memo dated 7th June, 2022 and memo dated 27th June, 2022 be kept on record.

Having heard Mr. Dhole and Mr. De and considering the facts and circumstances of the case, since the applicant has been recommended for employment on compassionate ground in the post of Group-C post by the Director of Land Records & Surveys and Joint Land Reforms Commissioner, West Bengal, the respondent no. 2 (ii) and as it has been submitted by Mr. De, on instruction, that by intimation dated 7th June, 2022 the Special Secretary to the Government of West Bengal to the respondent no. 2 (ii) has accorded approval for offering employment assistance to the applicant against the vacancy of Group-C as Amin in exempted category of died-in-harness at 73rd point as per 100 point roster under his control subject to compliance of all

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formalities, such as police verification and medical examination etc. as per rules, the Additional District Magistrate and District Land & Land Reforms Officer, Coochbehar, the respondent no. 2 (iv) is directed to issue necessary orders for employing the applicant as Group-C staff within eight weeks from the date of presentation of copy of this order downloaded from the website of the Tribunal.

(SOUMITRA PAL)
CHAIRMAN

SM