

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Bikash Bhavan, Salt Lake, Kolkata – 700 091.**

Present-

**HON'BLE JUSTICE SOUMITRA PAL,  
HON'BLE SAYEED AHMED BABA,**

**HON'BLE CHAIRMAN &  
ADMINISTRATIVE MEMBER.**

Case No. – OA 283 of 2021.

**GOURI ROUTH -VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. and Date of order	For the Applicant	: Mr. K.K. Kar, Advocate.
<u>6</u> 22.12.2021.	For the State respondents	: Mr. S. Ghosh, Advocate.

Let affidavit of service filed be kept on record.

As prayed for by Mr. K.K. Kar, learned advocate for the applicant leave granted to amend the cause title of the application so far as it relates to the respondent no. 2(i). Further as prayed for leave granted to add the Director of Health Services, Department of Health and Family Welfare, Government of West Bengal as party respondent by amending the cause title of the application.

Since despite service of notice none appears on behalf of the State respondents, Mr. S. Ghosh, learned advocate, who normally appears on behalf of the State authorities is requested to appear in this matter. Let a copy of the application be served by Mr. Kar on Mr. Ghosh, which is served and accepted. The Legal Remembrancer, West Bengal is directed to regularise the appointment of Mr. Ghosh.

In the application Gouri Routh, the applicant, has prayed for a direction upon the respondents to appoint her on compassionate ground since her mother Kamala Devi Routh, an employee/sweeper in the Medical College and Hospital, Calcutta, had expired on 16<sup>th</sup> May, 2009 leaving behind heirs including the applicant. Submission is though other heirs have given up their claim for compassionate appointment by swearing affidavit on 1<sup>st</sup> July, 2010 before the Court of the learned Metropolitan Magistrate, Calcutta and though the application for compassionate appointment was filed within time, however, the claim

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has been rejected by memo dated 22<sup>nd</sup> December, 2014 as evident from page 21 of the application. Though the applicant by letter dated 9<sup>th</sup> March, 2018 addressed to the Director of Health Services, Government of West Bengal has prayed for consideration for employment, it has not been considered. Aggrieved this application has been filed.

Having heard the learned advocates for the parties and considering the facts and circumstances of this case, since we find that from the intimation contained in the memo dated 22<sup>nd</sup> December, 2014 that it has not taken into consideration the revised provisions in the Labour department notification no. 252-Emp dated 3<sup>rd</sup> December, 2013, the application is disposed of by directing the Director of Health Services, Government of West Bengal, - the respondent no. 2(i) (a) to reconsider the matter in the light of the revised provisions regarding appointment of the applicant on compassionate ground by passing a reasoned order to be communicated to the applicant within fifteen 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 to the applicant and the other heirs of Kamala Devi Routh, after making an enquiry and after verifying the records. We make it clear that we have not gone into the merit of the matter and all points are kept open to be dealt with by the Director of Health Services, Government of West Bengal, the added respondent.

(SAYEED AHMED BABA)  
MEMBER(A)

(SOUMITRA PAL)  
CHAIRMAN.

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