

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman.

Case No. - OA 293 of 2021

Laxmi Soren - **VERSUS** - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mrs. S. Agarwal, Advocate.
	For the State respondents	: Mr. S.N. Ray Advocate.
<u>2</u> 13.08.2021		

The matter is taken up by the single Bench pursuant to the Notification No. 949-WBAT/2J-15/2016 dated 24th December, 2020 and 456-WBAT/2J-15/2016 dated 16th July, 2021 issued in exercise of the powers conferred under sub-section (6) of Section 5 of the Administrative Tribunals Act, 1985.

Let affidavit of service filed in the registry of the Tribunal by Mrs. S. Agarwal, learned advocate for the applicant, be kept on record.

Since despite service of notice, none appears on behalf of the State respondents, Mr. S.N. Ray, learned advocate, who normally appears on behalf of the State respondents, is requested to appear in this matter. Let a copy of the original application be served on him which is served and accepted.

The Legal Remembrancer, West Bengal is directed to regularise the appointment of Mr. S.N. Ray.

In this application, Laxmi Soren – the applicant, daughter of Late Dhiba Soren, has prayed for a direction upon the respondents to appoint her on compassionate ground in a suitable Group D post in the Department of Agriculture, Government of West Bengal on the death of

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his father Dhiba Soren while in service. It appears Dhiba Soren, a Krihsi Shramik in the Directorate of Agriculture, Government of West Bengal had expired on 22nd April, 1996, leaving behind Suromoni Soren, his widow and Sukurmoni Soren, Srimoni Soren and Laxmi Soren, the three daughters as evident from paragraph 6.3 of the application. It appears from the application that though the widow of the deceased had filed application for compassionate appointment on 22nd July, 2000, no action was taken by the respondent authorities. Subsequently as evident from annexure 'J' to the application, the matter was taken up by the authorities for appointment of Laxmi Soren on compassionate ground. The Additional Director of Agriculture (Administration), Kolkata had intimated that Laxmi Soren may be directed to submit formal application with regard to appointment on compassionate ground. Soon thereafter on 6th March, 2020, the applicant, as evident from annexure 'K' to the application, had submitted an application for appointment on compassionate ground. Thereafter, as evident from annexure 'L' to the application, the matter is engaging the attention of the State authorities, as appropriate authorities were directed by the Additional Director of Agriculture (Administration), West Bengal to furnish a report regarding all kind of Group D posts relating to the employment on compassionate ground. Subsequently, a letter dated 24th August, 2020 demanding justice was furnished on behalf of the applicant, which according to Mrs. Agarwal has not been considered. Submission is direction may be issued on the respondents to give appointment on compassionate ground to the applicant.

Mr. S.N. Ray submits, if directed, the respondent authorities will consider the matter in accordance with law.

ORDER SHEET

LAXMI SOREN

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Having heard learned advocates for the parties and considering the facts and circumstances of the case, the application is disposed of by granting liberty to Laxmi Soren, the applicant, to file representation ventilating her grievances regarding appointment on compassionate ground before the Additional Chief Secretary, Department of Agriculture, Government of West Bengal, the respondent no. 2(i), within a period of four weeks from the date of obtaining a copy of this order downloaded from the website of the Tribunal. If such representation is filed, the Additional Chief Secretary, Department of Agriculture, Government of West Bengal shall dispose of the same by passing a reasoned order to be communicated to the parties within fifteen weeks, after giving an opportunity of hearing to the applicant and to the heirs of late Dhiba Soren, as mentioned in paragraph 6.3 of the application, after making necessary enquiry and after verifying the records.

Since for circumstances beyond control the Registry is unable to furnish plain copies of this order to the learned advocates for the parties, the Registry is directed to upload this order on the website of the Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.

(SOUMITRA PAL)
CHAIRMAN

Rajib