

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble SAYEED AHMED BABA, Member(A)

Case No. – OA-348 of 2020

Binoy Kr. Panda VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant

: Mr. D.Pal,
Mr. D. Banerjee,
Mrs. S. Bala,
Learned Advocates.

04
04.04.2022

For the State Respondent

: Mr. S.N. Roy
Learned 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.

With the consent of both the parties, matter has been taken up for hearing. .

The instant application has been filed praying for compassionate appointment of the applicant.

The counsel for the applicant has submitted that the father of the applicant was an employee of P.W.D. (Roads) Department as Roller Cleaner who died on 30.11.2003. Thereafter, the wife of the deceased employee had submitted an application for compassionate appointment for his son which was accepted and forwarded by the Assistant Engineer, Contai Sub-Division to Executive Engineer, Tamluk Highway Division on 22.06.2004. Thereafter, the respondent authority had asked the petitioner to submit a fresh proforma application and the same was submitted on 26.10.2006. Ultimately, after a lapse of almost 16 years, the respondents rejected the application for compassionate appointment on the ground that the proforma application was submitted after two years eleven months from the date of death of deceased employee.

The counsel for the state has submitted that there was latches on the part of states and, therefore, he has no objection if the Court suitable

ORDER SHEET

Form No.

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directs the respondents to reconsider the same.

Having heard both the parties, it is apparent that there no dispute that the wife of the deceased employee had applied for compassionate appointment which was on record duly accepted and forwarded to the higher authorities for necessary action. Though the respondents after a gap of more than 14 years considering and rejected his application for compassionate appointment citing that the application for compassionate appointment was submitted not within the time. Therefore, Court is not convinced that the ground quoted for rejection is valid. Therefore, the impugned order issued by the respondents is hereby set aside and quashed. The respondents are directed to reconsider the case of the applicant for compassionate appointment by way of passing a reasoned and speaking order within a period of three months from the date of receipt of this order and the decision may be communicated to the applicant within a period of one month thereafter. Accordingly, OA is disposed of with no order as to costs.

Since the 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.

SAYEED AHMED BABA
MEMBER (A)

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