

ORDER SHEET

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

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

Present : **HON'BLE JUSTICE SOUMITRA PAL,**      **HON'BLE CHAIRMAN.**

Case No. – OA 372 of 2022.

SRI SAMIT GHOSH -Versus- THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr. A. Banerjee, Advocate.
<u>3</u> 12.8.2022	For the State Respondents	: Mr. G.P. Banerjee, Advocate.

The matter is taken up by the single Bench pursuant to the order contained in the Notification No. 496-WBAT/1E-08/2003 (Pt.-II) dated 4<sup>th</sup> August, 2022 issued in exercise of the powers conferred under section 6 (5) of the Administrative Tribunals Act, 1985.

In the application Samit Ghosh, the applicant has prayed for certain reliefs, the relevant portion of which is as under :-

*“i) ....An order directing the respondents to forthwith issue letter of appointment in favour of your applicant to the post of Lower Division Clerk (Group – C) under exempted category in Paschim Medinipur district as per memo No. 03-PL/143-35/2020 dated 4<sup>th</sup> January, 2021 so issued by Additional Chief Secretary, Government of West Bengal without any further delay....”.*

Mr. A. Banerjee, learned advocate for the applicant relying on the memo dated 8<sup>th</sup> January, 2016 submits as the applicant had applied for compassionate appointment after the death of the father Nemaï Chandra Ghosh, a constable and has been found eligible for employment for the post of Lower Division Clerk under the exempted category as per Labour Department Notification No. 251-Emp dated 3<sup>rd</sup> December, 2013 and pursuant to the order dated 1<sup>st</sup> October, 2020 passed in OA 58 of 2020, the Additional Chief Secretary to the Government of West Bengal, Home and Hill Affairs Department, - the respondent no. 1 has found that he is otherwise eligible in respect for consideration for appointment to the post of Lower Division Clerk, appropriate order may be passed.

Mr. G.P. Banerjee, learned advocate appearing on behalf of the

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State respondents referring to the order dated 4<sup>th</sup> January, 2021 submits that since the applicant has been found eligible for consideration for appointment to the post of Lower Division Clerk and his name has been enlisted at serial no. 310 and as it cannot be given out of turn, appointment shall be given as and when the turn of the applicant arises. On a query, Mr. Banerjee submits that the applicant is entitled to the post of Lower Division Clerk and not for the post of Constable.

Having heard the learned advocates for the parties and since it is found from the memo dated 8<sup>th</sup> January, 2016, being annexure 'D' to the application that the applicant has been "*.....found eligible for employment for the post of LDC under exempted category*" and as it is evident from the order dated 4<sup>th</sup> January, 2021 being annexure 'G' to the application that the "*applicant's name is enlisted in serial no. 310 in the list of names of candidates applied for compassionate appointment (for LDC post).....*", considering the facts and circumstances of the case, the application is disposed of by directing the Superintendent of Police, Purba Medinipur, - the respondent no. 7 to give appointment to the applicant to the post of Lower Division Clerk as and when his turn comes in the list of names of candidates, who had applied for appointment on compassionate appointment for Lower Division Clerk.

(SOUMITRA PAL)  
CHAIRMAN.

Skg.

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