

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

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

**Present-**

**THE HON'BLE SAYEED AHMED BABA, OFFICIATING CHAIRPERSON AND ADMINISTRATIVE MEMBER,  
Case No. – OA 373 OF 2023**

**PRASANNA KUMAR MONDAL - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. and Date of order	For the Applicant	:	Mr.A.Banerjee Advocate
<u>02</u> 15.09.2023	For the State respondents	:	Mr. Goutam Pathak Banerjee Advocate

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638-WBAT/2J-15/2016 (Pt.-II) dated 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under Section 5 (6) of the Administrative Tribunals Act, 1985.

On consent of the learned counsels for the contesting parties, the case is taken up for consideration sitting singly.

The applicant has prayed for setting aside the impugned order passed by the Additional Director (Personnel) on 24.03.2023 rejecting his application for employment under compassionate ground. The reasoned order has observed that since the applicant has already crossed 59 years of age, therefore, it is meaningless if any employment is to be offered to him since he will be crossing 60 years the age of superannuation soon thereafter.

Mr.A.Banerjee, learned counsel for the applicant submits that due to the latches of the State respondents themselves this matter was considered so late after the application was submitted. In particular, reference made to Page No. 40 in which the Chief Medical Officer of Health, Howrah had moved the Department of Health and Family Welfare for consideration of his application for employment under compassionate ground. It appears along with the letter, several relevant documents were also enclosed. However, this Memo. No. 2828 is dated 25/7 without mention of the year, Mr.Banerjee submits that this reference was most likely made during the year 2014 to 2015. Therefore, it implies that such a proposal was indeed submitted by the Chief Medical

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Officer of Health to the Department about 7 to 8 years earlier than the date of consideration and rejection.

The Tribunal finds it necessary for the State respondents to reply to this application. Accordingly, the Tribunal directs the respondent No.2, the Director of Health Services, to represent him on the next date of hearing along with a reply to the points raised by the applicant in this application. The matter is admitted.

Let the matter appear under the heading "For Orders" on 18<sup>th</sup> January, 2024.

**(SAYEED AHMED BABA)**  
**OFFICIATING CHAIRPERSON AND MEMBER (A)**

BLR