

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

**Present-**

**The Hon'ble Justice Soumitra Pal, Chairman**

**Case No. - OA 418 OF 2020**

**PIYALI MANDAL (MAJUMDER) - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. and Date of order	For the Applicant	: Mr. M.N. Roy, Mr. G. Haldar, Advocates
<u>02</u> 13.01.2021	For the Respondents	: Mrs. S. Agarwal, Advocate

The matter is taken up by the single Bench pursuant to the notification no.949-WBAT/2J-15/2016 dated 24<sup>th</sup> December, 2020 issued in exercise of the powers conferred under sub-Section (6) of Section 5 of the Administrative Tribunals Act, 1985.

Let affidavits of service filed today be kept on record.

Mr. M.N. Roy, learned advocate for the applicant submits that since the matter relates to compassionate appointment of the applicant, though the matter has appeared under the heading "Admission Hearing", it may be taken up by the Single Bench.

Mrs. S. Agarwal, learned advocate for the respondent no.2 submits that she does not oppose the prayer for the matter being taken up by the single Bench.

Mr. Roy submits that Piyali Mandal (Majumdar), the applicant, is the legally married second wife of Alok Majumder, who had expired on 15<sup>th</sup> September, 2007 while in service leaving behind a son out of that marriage, who is at present a minor. Submission is that the first wife had expired on 13<sup>th</sup> January, 2006 leaving behind one daughter, who has given no objection in favour of the applicant for being appointed on compassionate ground in place of her deceased father. It is further submitted that since it is evident from the intimation dated 16<sup>th</sup> August, 2017, being Annexure 'C' to the application, that the highest administrative authority has approved the appointment of the applicant on compassionate ground, appropriate order may be passed. Referring to the Maynaguri PS Case No. 247 / 12 dated 13<sup>th</sup> June, 2012 under Sections 498A / 494 / 506 of I.P.C. it is submitted that till date no charge-sheet has been issued against the applicant and therefore, it cannot stand as a bar for appointing the applicant provisionally.

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-VERSUS-  
STATE OF WEST BENGAL & ORS.

Mrs. S. Agarwal submits that though the highest administrative authority has given approval for appointing the applicant on compassionate ground, as evident from Annexure 'C' to the application, if direction is issued for appointment of the applicant on compassionate ground, it may be directed to be done in accordance with law and rules.

Having heard the learned advocates for the parties and considering the facts and circumstances of the case, since I find that the highest administrative authority has given approval for appointing the applicant on compassionate ground as evident from the intimation dated 16<sup>th</sup> August, 2017 by the Assistant Secretary to the Government of West Bengal to the Principal Secretary to the Government of West Bengal, Health & Family Welfare Department, Kolkata, being annexure 'C' to the application, the application is disposed of by directing the Secretary to the Government of West Bengal, Department of Health & Family Welfare, Kolkata, the respondent no.2 to appoint the applicant provisionally within eight weeks from the date of presentation of a copy of this order downloaded from the internet / website, subject to the outcome of the Maynaguri PS Case No. 247 / 12 dated 13<sup>th</sup> June, 2012.

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