

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. – OA 43 OF 2022

**MAHUA SARKAR - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. and Date of order	For the Applicant	:	Mr.Suryasarathi Basu Ms.Munmum Tewary Advocates
<u>03</u> 15.06.2022	For the State respondents	:	Mr. Sankha Ghosh 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 11<sup>th</sup> February, 2022 issued in exercise of the powers conferred under section 6 (5) of the Administrative Tribunals Act, 1985.

In this application, Mahua Sarkar, the applicant has prayed for several reliefs, the relevant portion of which is as under:

*“ a) An order do issue directing thereby the concerned authorities to give appointment on compassionate ground in favour of applicant forthwith without any further delay.*

*b) An another order do issue directing thereby the conern authorities to consider the reminder representation of the Learned Advocate of the applicant for providing the appointment in favour of the applicant on compassionate ground as all the required formalities have already been complied with by the concerned department as well as by the applicant herein and to pass an order in accordance with law and to communicate the same to the present applicant without any further delay.”*

It appears earlier the applicant had filed an original application being OA-775 of 2018 which was disposed by passing an order, the relevant portion

Form No.

**MAHUA SARKAR**

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**Vs.**

Case No. : **OA 43 OF 2022**

**THE STATE OF WEST BENGAL & ORS.**

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of which is as under:

*“ Having heard the parties and considering the facts and circumstances of the case, this application is disposed of by directing the Principal Secretary, Department of Fire and Emergency Services, Government of West Bengal, respondent no.1 to dispose of the matter regarding appointment to the applicant on compassionate ground by passing a reasoned order within 12 (twelve) weeks from the date of presentation of the order after giving hearing to the applicant and her mother, after making necessary enquiry and after considering annexures enclosed to this application including the letter dated 2<sup>nd</sup> February, 2017 appearing at page 26 of the application, particularly the second paragraph thereof.”*

Pursuant to the order passed by the Tribunal, the Secretary to the Government of West Bengal, Fire and Emergency Services passed an order dated 15<sup>th</sup> May, 2019, the relevant portion of which is as under:

*“ THEREFORE, it appears that the necessary conditions stipulated in the above stated Govt. orders are fulfilled if the family of the elder son of the ex-employee is considered as separate as is evident from the certificate of the local councillor authenticated by the Chairman of Kalna Municipality and the affidavit sworn by the widow of the deceased employee and if the recommendation of the enquiry committee for financial assistance of the family and*

**Vs.**

Case No. : **OA 43 OF 2022**

**THE STATE OF WEST BENGAL & ORS.**

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*recommendation of DG WB F&ES is considered and as such it appears that the applicant is entitled to get appointment on compassionate ground in terms of the GO No. 251-EMP dt. 03/12/2013 read with 26-EMP dt. 01/03/2016.*

*All concerned may be informed and office to take subsequent actions in this regard.”*

Mr.S.Basu, learned advocate for the applicant, referring to page 26 of the application submits, since approval of the appointment to the post under ‘Group- C’ category on compassionate ground in the West Bengal Fire and Emergency Services has been granted as evident from the intimation dated 18<sup>th</sup> June, 2019, appropriate order may be passed.

Mr.S.Ghosh, learned advocate appearing on behalf of the State respondents submits that on 12<sup>th</sup> April, 2022, the applicant has filed an application conveying her desire to be appointed as Cleaner / Attendant or Karmabandhu and consequently the Additional Director (Administration) West Bengal Fire & Emergency Services by memo. dated 26<sup>th</sup> April, 2022 has intimated the applicant that the Government has considered her prayer for appointment on compassionate ground under the Die-in-harness category in the post of Karmabandhu subject to the fulfilment of all formalities. The applicant was requested to submit the Verification Roll which was also furnished, duly filled in properly to the office at an early date.

Submission is if the applicant submits the verification roll after doing the needful, appointment will be given in accordance with law. Let copies of the letter dated 12<sup>th</sup> April, 2022 and the memo. dated 26<sup>th</sup> April, 2022 filed be

**ORDER SHEET**

Form No.

**MAHUA SARKAR**

---

**Vs.**

Case No. : **OA 43 OF 2022**

**THE STATE OF WEST BENGAL & ORS.**

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kept on record.

Since the applicant has opted to be appointed as Cleaner-cum-Attendant / Sweeper by letter filed on 12<sup>th</sup> April, 2022 and consequently by memo. dated 26<sup>th</sup> April, 2022 she has been requested to submit the verification roll after filling up the same, in the event, verification roll is submitted by the applicant appropriate order shall be passed by the Principal Secretary, Department of Fire and Emergency service, Government of West Bengal, the respondent no.1 for appointing the applicant in the post of Karmabandhu within eight weeks in accordance with law.

Parties are to act on the copy of the order downloaded from the website of the Tribunal.

(SOUMITRA PAL)  
CHAIRMAN

BLR