

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

Mr. Sayeed Ahmed Baba, Officiating Chairperson and Hon'ble Member (A).

Case No. – OA 445 of 2023.

DEBASISH PAL AND ANOTHER – VS- THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

1
01.8.2023

For the Applicants : Mr. H. Ghosh,
Mrs. R. Sathartha,
Advocates.

For the State Respondents : Mr. R.K. Mondal,
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 23rd November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

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

The prayer in this application is for setting aside the impugned order dated 10.5.2023 passed by the Director of Health Services in terms of a direction of the Tribunal in OA 380 of 2020. The impugned order after considering the application for appointment on compassionate ground rejected the application for employment under compassionate ground. The primary reason given is that such an application was made after the stipulated period was over. The respondent observes that as per Emp-251 Notification, such an application can be made in a plain paper within six months and in the proforma within two years from the death of the employee. The respondent observed that this application was submitted after more than two years and three months from the date of passing of the deceased employee.

Heard the learned counsels.

The matter is admitted.

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-Vs-
THE STATE OF WEST BENGAL & ORS.

Let a copy of the order be communicated by the applicant to respondent no. 2 – Director of Health Services and respondent no. 3 – The Joint Director of Health Services (Personnel).

Let the matter appear under the heading “Hearing” on 19.12.2023.
Reply and rejoinder, if any, in the meantime.

(SAYEED AHMED BABA)
Officiating Chairperson and Member (A).

Sk.

WEST BENGAL ADMINISTRATIVE TRIBUNAL