

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

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

**Present-**

HON'BLE JUSTICE SOUMITRA PAL,  
HON'BLE SAYEED AHMED BABA,

HON'BLE CHAIRMAN &  
ADMINISTRATIVE MEMBER.

Serial No.  
and  
Date of  
order  
11

**Case No. : OA-497/2019.**

21.03.2022

Momi Das –versus- The State of West Bengal & Ors.

For the Applicant : Mr. Ashok Kumar Das Sinha,  
Advocate.

For the State respondents : Mr. B.P. Roy,  
Advocate.

For the Private Respondent : Mr. Balai Lal Sahoo,  
No. 6. Advocate.

For the Private respondent : Mrs. Mrs. Chhabi Chakraborty,  
No. 6(a) Advocate.

**-And-**

**Case No. : OA-628/2019**

Rubi Rani Das (Giri) –versus- The State of West Bengal & Ors.

For the Applicant : Mr. Balai Lal Sahoo,  
Advocate.

For the State respondents : Mr. B.P. Roy,  
Advocate.

For the Private Respondent : Mrs. Chhabi Chakraborty,  
No. 6 (a) Advocate.

For the Private respondent : Mr. Ashok Kumar Das Sinha,  
No. 7 Advocate.

OA 628 of 2019 Rubi Rani Das (Giri) – versus- The State of West Bengal & Others appeared today before the Single Bench when after hearing the learned advocates for the parties an order was passed, the relevant portion of

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which is as under :-

*“Let vakalatnama filed by Mr. A.K. Das Sinha, learned advocate on behalf of the Private respondent no. 7 be kept on record.*

*Since it is submitted by the learned advocates for the parties that OA-497 of 2019, on the self same issue between the same parties, has come up as “To be Mentioned” before the First Division Bench, let this matter be also placed today before the First Division Bench under the heading “To be Mentioned” and be heard along with OA-497 of 2019”.*

Accordingly, the Registry has published a supplementary cause list for the day for the Division Bench No.1 and the matter being OA 628 of 2019 has appeared under the heading “To be Mentioned”. Let a copy of the supplementary cause list be kept on record.

Though OA 497 of 2019 and OA 628 of 2019 are appearing under the heading “To be Mentioned”, however, Mr. A.K. Das Sinha, learned advocate in OA 497 of 2019 and Mr. B.L.Sahoo, learned advocate in OA 628 of 2019 submit that the matters may be taken up for hearing today to which Mrs. C. Chakraborty, learned advocate for the private respondent in both the matters and Mr. B.P. Roy, learned advocate for the State respondents do not oppose.

As agreed between the parties, the matter is taken up for hearing.

In OA 497 of 2019, the applicant has prayed for certain reliefs, the relevant portion of which is as under :-

*“...(a) An order be passed directing the respondent authorities concerned to forthwith withdraw, cancel and/or rescind the impugned order being No. 280-SE(Law)SL/55-401/18 dated 22.02.2019 passed by the Principal Secretary, School Education Department, West Bengal and shall issue the order of appointment in favour of the applicant...”.*

In OA 628 of 2019, the applicant has prayed for certain reliefs, the relevant portion of which is as under :-

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*“(b) Pass a Mandatory Order thereby cancelling and or setting aside the impugned order dated 22.02.2019 issued vide Memo No. 280-SE(Law)SL/5S-401/18 which is at Annexure “L” to the application and upon so doing direct the respondents concerned to issue appointment on compassionate ground to the applicant under die-in-harness category within the time as may be directed by this Learned Tribunal..”.*

Since the applicants have sought for quashing of the reasoned order dated 22<sup>nd</sup> February, 2019 passed by the Principal Secretary, School Education Department, it is appropriate to refer to the relevant portion of the said order which is as under :-

*“...4. Since, the father of the applicant being a Government Employee died-in-harness while working in the office of the Additional District Inspector of schools, Contai, Purba Medinipur, as such the claim of the applicant is governed by notification no. 251-Emp dated 03/12/2013. As per provision of the said policy, a Screening-cum-Enquiry committee was set up to justify the Financial criteria of the family of deceased employee and to justify the genuineness of the claim.*

*5. It appears from memo no. 214/Sc/Apt dated 12/02/2019 issued by the Deputy Director of School Education (Admin) West Bengal addressing to the Commissioner, School Education Department that Smt. Rubi Rani Das and Smt. Momi Das being the daughters of the deceased employee are claiming for employment for compassionate ground. As such the 3 men Screening-cum-Enquiry committee has failed to recommend any specific name for appointment on compassionate ground under die-in-harness category in respect of the deceased employee, Late Chandi Charan Das, since, there is no scope to provide more than one appointment from a single family on compassionate ground.*

*6. As per Notification being no.251-Emp dated 03/12/2013, the State Government considers compassionate appointment if the Screening-cum-Enquiry*

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*committee proposes any name for appointment belonging to the family of the deceased employee. Since, the said committee did not recommend any name, the instant case cannot be entertained.*

*Thus, no relief can be given to the applicant. The matter is disposed of. All concerned are being informed accordingly.....”.*

Heard Mr. A.K. Das Sinha and Mr. B.L. Sahoo, learned advocate for the applicants in OA 497 of 2019 and OA 628 of 2019 respectively, Mrs. C. Chakraborty, learned advocate for the private respondent that is the mother of the applicant and Mr. B.P. Roy.

Since Momi Das, the unmarried daughter of Chandi Charan Das,- an U.D.C. under the Government of West Bengal who had expired on 29<sup>th</sup> January, 2015 and the other daughter Rubi Rani Das (Giri), the married daughter, are claiming for compassionate appointment, considering the facts and circumstances of the case the order dated 22<sup>nd</sup> February, 2019 is set aside and quashed and the applications are disposed of by directing the Principal Secretary, School Education Department, - the respondent no. 1 to dispose of the matter regarding grant of compassionate appointment to one of the applicants by passing a reasoned order to be communicated to the parties within fifteen weeks from the date of presentation of a copy of this order downloaded from the website of the Tribunal after giving an opportunity of hearing to the applicants and to their mother and after making necessary enquiry. At the time of hearing the applicants are at liberty to be assisted by the learned advocates. If judgements are cited those shall be dealt with by the respondent no. 1 in his reasoned order.

(SAYEED AHMED BABA)  
MEMBER(A)

(SOUMITRA PAL)  
CHAIRMAN.

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