

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Mrs. Urmita Datta (Sen), Member(J).

Case No. –OA 538 of 2020

Rosy Minj - **VERSUS** - THE STATE OF WEST BENGAL & ORS.

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| Serial No. and Date of order <u>04</u> 02.09.2021 | For the Applicant For the State Respondent | : Mr. D. Karan, Ld. Advocate. : Mr. S. Ghosh, Ld. Advocate. |
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The matter is taken up by the Single Bench pursuant to the Notification No. 949-WBAT/2J-15/2016 dated 24th December, 2020 and 456-WBAT/2J-15/2016 dated 16th July, 2021 issued in exercise of the powers conferred under Section 6 (5) of the Administrative Tribunals Act, 1985.

The instant application has been filed basically praying for a direction to the respondents to grant compassionate appointment to the applicant. As per the applicant, her father died-in-harness on 31.05.2006. Thereafter, she applied for compassionate appointment on 28.06.2006 in plain paper application followed by a prescribed format on 24.11.2006. However, till date no decision has been communicated to her even today they have not received any family pension or retiral benefits. During the course of the hearing, the counsel for the applicant has drawn my attention to the communication dated 14.07.2017 made by the Joint Secretary to the Private Secretary, MIC informing that the Director of Personnel and Ex-Officio Chief Engineer, Irrigation and Waterways Directorate was already requested to look into the matter of the applicant. However, thereafter, no final decision has been communicated to the applicant. As she was waiting for the final decision of the respondent authority, there is some delay in filing the instant application, which may be condoned. During the course of the hearing, the counsel for the applicant has further submitted that it would suffice the purpose of the applicant, if the Principal Secretary to the Government of West Bengal, Irrigation and Waterways Department would be directed to take final decision with regard to the compassionate appointment of the applicant within a stipulated period of time.

The counsel for the respondent has submitted that he has no objection

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if the respondent would be directed to take final decision as per Rules/Circulars in this regard.

Heard both the parties and perused the records.

It is noted that even on 14.07.2017 the Joint Secretary to the Government of West Bengal, Irrigation and Waterways Department had asked the Director of Personnel and Ex-Officio Chief Engineer, Irrigation and Waterways Directorate to look into the matter. However, till date no decision has been communicated to the applicant. Therefore, the Principal Secretary to the Government of West Bengal, Irrigation and Waterways Department is directed to take final decision with regard to the compassionate appointment of the applicant and communicate the same by way of a reasoned and speaking order as per rules within a period of three months from the date of receipt of the order. However, it is made clear that I have not observed anything on the merit of the case.

Accordingly, the OA is **disposed of** with no order as to cost.

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.

SS/CSM

Mrs. URMITA DATTA (SEN)
MEMBER (J)