

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

**The Hon'ble Mr. Sayeed Ahmed Baba, Member (A).**

**Case No. –OA 61 of 2020 [MA 62 of 2020]**

Purnima Mondal - **VERSUS** - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order <u>11</u> 16.09.2021	For the Applicant  For the State Respondent	: Mr. S. Bhattacharjee, Ld. Advocate. : Mrs. S. Agarwal, Ld. Advocate.
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The instant application has been filed praying for direction upon the respondent authority for consideration of the case of the applicant for compassionate appointment.

Both the parties have submitted that one MA being no. 62 of 2020 has been filed, which was directed to be listed along with the OA. However, today, the MA has not been listed. Both the counsels have prayed that the MA be heard today.

Since the MA was directed to be listed along with the OA, but has not been listed today. Therefore, let the MA be treated as item no. 5A of today's list. The instant MA was filed praying for treating the Misc. application as part of OA-61 of 2020. Therefore, MA is allowed.

As per the applicant, her husband died on 28.05.2002. Subsequently, she had submitted an application for compassionate appointment in her favour on 16.07.2002 (Annexure-D). However, as no communication was made to her, she approached this Tribunal twice and lastly vide order dated 10.11.2017 in OA-241 of 2016 (Annexure-E1), this Tribunal had directed Chief Medical Officer of Health, Birbhum to grant personal hearing as well as to take decision in this regard. Thereafter, the CMOH, Birbhum vide his communication dated 16.03.2018 (Annexure-F) had asked the applicant to submit a fresh application with necessary documents to enable them to take decision. In pursuance to that letter, the applicant submitted her fresh application on 09.04.2018 (Annexure-G) along with proforma application before the authority. However, till date no final decision has been communicated to her. Being aggrieved with, she has filed the instant application. During the course of the hearing, the counsel for the applicant has submitted that it would suffice the purpose of the

Form No.

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**Vs.**

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

applicant if the competent authority would be directed to take final decision with regard to her compassionate appointment within a stipulated period of time.

No reply has been filed by the respondent. The counsel for the respondent has no objection if the respondent would be directed to take final decision without observing anything on the merit of the case.

Heard the parties and perused the records.

In view of the above, the Secretary to the Government of West Bengal, Department of Health and Family Welfare 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 within a period of eight weeks from the date of receipt of the order.

Accordingly, the both the OA and MA are **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.

**SAYEED AHMED BABA**  
**Member (A)**

**Mrs. URMITA DATTA (SEN)**  
**MEMBER (J)**

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