

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

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

**Present-**

**THE HON'BLE SAYEED AHMED BABA, OFFICIATING CHAIRPERSON AND ADMINISTRATIVE MEMBER**

**Case No. – OA- 644 of 2023**

**Chiranjoy Khan - Vs - The State of West Bengal & Ors.**

Serial No. and  
Date of order

For the Applicant : Mr. S. Bhattacharjee,  
Learned Advocates.

03  
22.07.2024.

For the State Respondents : Mr. S.K. Mondal,  
Mr. S. Ghosh,  
Learned Advocates.

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.

Affidavit of service filed, be kept with the record.

By filing this application the applicant has challenged the impugned reasoned order passed by the Director of Health Services on 18.08.2023. In compliance to the direction of this Tribunal in OA-875 of 2015 such a reasoned order was passed rejecting the prayer of the applicant praying for an employment under compassionate ground. The primary reason relied in rejecting such an application was that the applicant failed to submit the proforma application within the permissible time limit of two years. As submitted and as evident from the records in this application, the father of the applicant, Panchanan Khan had died on 26.06.1995 serving as a Group-D employee under Burdwan Medical College and Hospital. Mr. Bhattacharjee, learned counsel appearing on behalf of the applicant draws my attention to page 26 of this application which appears to be a hand written receipt of having received seven documents including the proforma application by someone on behalf of the Burdwan Medical College and Hospital on 17.07.1995. Argument on behalf of the applicant is that the reasoned order was incorrect in showing that the proforma application was not submitted on time. Copy of the filled up proforma application so submitted by the applicant also appears in this application.

In deffence of the reasoned order passed by the Director of

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Health Services, Mr. S.K. Mondal and Mr. Ghosh learned counsels argued that such a prayer for compassionate employment is not worthy of consideration for the fact that since 1995, the year his father expired, the applicant has been able to maintain his livelihood without facing any financial crisis. It has also been pointed out by the learned counsels that now the applicant has crossed the age of 50 (fifty) years and thus may not be employable under such Scheme.

Having heard the submissions of the learned counsels and upon examination of the records the Tribunal finds that the core issue in this litigation is of date of submission of proforma application by the applicant has not been countered by the state respondents though the reasoned order rejected such a prayer for compassionate employment solely on the ground that the proforma application was not submitted within two years from the date of death of the employee the fact as pointed out by Mr. Bhattacharjee. Submission is that the proforma was furnished and received within permissible time was neither disputed nor agreed by the respondents through their counsels. The Tribunal observes that the reasoned order has admitted that the applicant, Chiranjoy Khan had furnished a plain paper application on 17.07.1995. However, the reasoned order has not mentioned anything about the proforma application submitted, as claimed by the applicant and a copy shown in this application of having received by someone on behalf of Burdwan Medical College & Hospital on 17.07.1995. Since to the Tribunal, it appears that the proforma application was submitted and received by Burdwan Medical College & Hospital on 17.07.1995 and since such fact has neither been mentioned or controverted by the Director of Health Services, this Tribunal passes a direction to to the Director of Health Services, W.B. to examine the veracity of such proforma application If it

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is found to have been submitted as claimed by the applicant's side on 17.07.1995 then the Respondent No. 2, Director of Health Services is advised to re-examine the matter and pass a fresh reasoned order within three months from the date of communication of this order. Accordingly, this application is disposed of.

**(SAYEED AHMED BABA)**  
**OFFICIATING CHAIRPERSON AND MEMBER (A)**

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