

**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 692 of 2022**

**Sri Santosh Dosad. - Versus - The State of West Bengal & Others.**

Serial No. and Date of order	For the Applicant	: Mr. S. Bhattacharjee, Advocate.
<u>05</u> 10.05.2023.	For the State Respondents	: Mr. G. Haldar, 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 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under Section 5 (6) of the Administrative Tribunals Act, 1985.

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

The prayer in this application is for a direction to the respondent to dispose of the application for compassionate appointment. In the first round of litigation, the Tribunal passed an order in O.A.-203 of 2017 directing the Director, ESI (MB) Scheme to consider the representation of the applicant for compassionate employment. In terms of such direction, the respondent passed a reasoned order in which the matter was referred to the Labour Department for early consideration.

Since the matter is pending with the Department of Labour, Mr. S. Bhattacharjee, learned counsel appearing on behalf of the applicant prays for a direction to the Department to consider the application at the earliest.

Mr. G. Haldar, learned counsel appearing on behalf of the State respondents submits that if any such direction is given to the respondent no. 2 (ii) – the Secretary, Department of Labour the same will be considered as per law.

After hearing the submissions of learned counsels, the respondent no. 2 (ii) is directed to consider and dispose of the application for compassionate employment within twelve weeks from

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the date of communication of this order by passing a reasoned order and communicate the same to the applicant within two weeks thereof. From the RTI reply given by the Director on 08.06.2022, it is clear that the proposal was submitted before the department vide Memo. No. Labr/576/ESI(Estt)28013(19)/11/2013 dated 25.07.2019.

Accordingly, the application is disposed of.

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

S.M./H.S.