

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

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

**Present-**

**The Hon'ble Mrs. Urmita Datta (Sen), Member(J) &  
Hob'ble Sayeed Ahmed Baba, Member (A\_)**

**Case No. – OA-703 of 2019**

**Shambu Laye VERSUS – The State of West Bengal & Ors.**

Serial No. and Date of order	For the Applicant	:	Mr. B.P. Roy, Mr. S. Bhattacharjee, Learned Advocates.
<u>14</u> 25.01.2022	For the State Respondent	:	None..

It is noted that Mr. R.A. Chowdhury, learned advocate was appearing for the respondent,s who expired in the meantime. The department was directed to appoint one counsel for their representation. However, till date none has been appointed to appear. Therefore, Mr. G.P. Banerjee, in-charge of State panelled advocate is directed to appear on behalf of the respondent. **Learned L.R. is directed to take appropriate steps in this regard.**

During the course of hearing, the counsel for the applicant has drawn our attention to the earlier order dated 09.08.2005 passed by the Director of Social Welfare in compliance of the order dated 21.07.2004 passed in OA-No. 307 of 2003 referring his opinion to the WBCD & SW Deptt., Govt. Of West Bengal. However, till date no final decision has been communicated to the applicant. In the meantime the applicant had approached to the Deptt. vide R.T.I. application whereby he has been informed that the Office of the Director of I.C.D.S. was established in the year 2015. However, they do not have any document with regard to the applicant. As per the applicant, the Director of I.C.D.S. is the appropriate authority. The applicant is ready to cooperate with the Director of I.C.D.S. with regard to his claim, if asked for.

Therefore, the counsel for the applicant has fairly submitted that it would suffice his purpose if the Director of I.C.D.S. would be directed to take final decision in consultation with Director of Social Welfare and to take a

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final decision as per letter dated 09.08.2005. The applicant is ready also to cooperate with the department.

The counsel for the respondent has suggested since the OA has some supporting documents of the applicant as well as the order of the department, he has no objection if the OA be treated as representation of the applicant and decision be taken by the authority and pass speaking and reasoned order.

In view of the above, we direct the Director of I.C.D.S. Govt. of West Bengal to consider the case of the applicant taking into account the order passed by the Director of Social Welfare treating this OA as a representation of the applicant and to take final decision in consultation with the appropriate authority and communicate the decision in this regard within a period of 16 (sixteen) weeks from the date of receipt of the order after giving an opportunity to the applicant of personal hearing. The applicant is also directed to cooperate with the respondent in this regard. Accordingly, OA is disposed of with no order as to costs.

Since the 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)

URMITA DATTA (SEN)  
MEMBER (J)

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