

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. –OA 705 of 2019

Tapasi Talukdar - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No.	For the Applicant	: Mr. A. Debnath,
and		Mr. P. Kar,
Date of order		Mr. S. Saha,
<u>12</u>		Advocates.
12.08.2022	For the State Respondent	: Mr. S.K. Mondal,
		Advocate.

The matter is taken up by the single Bench pursuant to the order contained in the Notification No. 496-WBAT/1E-08/2003 (Pt.-II) dated 4th August, 2022 issued in exercise of the powers conferred under section 6 (5) of the Administrative Tribunals Act, 1985.

In this application, Tapasi Talukdar, the applicant has prayed for certain reliefs, the relevant portion of which is as under :

“.....(a) A direction to issue upon the concerned respondent authority to forthwith consider the case of the applicant for compassionate appointment in the public Health Engineering Department Government of West Bengal on the ground of death of her father under died-in-harness category.”

It is submitted on behalf of the applicant that though an application for compassionate appointment dated 24th May, 2017 has been filed before the Assistant Engineer, RWS, Balurghat Sub-Division, PHE, Balurghat, Dakshin Dinajpur, the respondent no. 2 (iii), it has not been considered. Aggrieved this the application has been filed.

Learned advocate appearing on behalf of the State respondents relying on the reply filed submits that the applicant is not entitled to the reliefs as prayed for as she has suppressed the fact that her brother has been employed as a primary school teacher.

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THE STATE OF WEST BENGAL & ORS.

Having heard learned advocates for the parties and considering the facts and circumstances of the case, since the application for compassionate appointment dated 24th May, 2017, appearing at page 56 of the application is pending, the application is disposed of by directing the Secretary, Department of Public Health Engineering, Kolkata, the respondent no. 2 (i) to dispose of the matter regarding compassionate appointment of the applicant by passing a reasoned order to be communicated to the parties within fifteen weeks from the date of presentation of a copy of this order downloaded from the website of the Tribunal after giving an opportunity of hearing and after considering the principles of law laid down in the judgment passed by the Supreme Court on 20th May, 2022 in *Malaya Nanda Sethy v. State of Orissa and Others* in Civil Appeal No. 4103 of 2022 (Arising out of S.L.P. (Civil) No. 936/2022).

(SOUMITRA PAL)
CHAIRMAN

CSM/SS