

ORDER SHEET
WEST BENGAL ADMINISTRATIVE TRIBUNAL
Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present : **HON'BLE JUSTICE SOUMITRA PAL,** **HON'BLE CHAIRMAN.**

Case No. – OA 771 of 2021.
TUSHAR DAS – VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: None.
	For the State Respondents	: Mrs. G.P. Banerjee, Advocate.
<u>6</u> 28.2.2022		

The matter is taken up by the single Bench pursuant to the order contained in the Notification No. 118-WBAT/1E-08/2003 (Pt.-II) dated 11th February, 2022 issued in exercise of the powers conferred under section 6(5) of the Administrative Tribunals Act, 1985.

None appears on behalf of the applicant when the matter is called on for hearing. It appears from records that except on 22nd November, 2021 on other dates of hearing none had represented on behalf of the applicant. Mr. G.P. Banerjee, learned advocate appears on behalf of the State respondents.

In this application, Tushar Das, the applicant has prayed for several reliefs, the relevant portion of which is as under :-

“.....a) Pass an appropriate order or direction commanding the respondent authorities concerned and/or each of them and/or their competent authorities to forthwith and/or immediately grant compassionate appointment to the applicant in die-in-harness category.

b) Pass an appropriate order or direction commanding the respondent authorities concerned and/or each of them and/or their competent authorities to consider the representation of the applicant dated 12th August, 2013....”.

It appears that Tapan Kumar Das, the father of the applicant was an employee of Rampur Primary Health Centre, who after rendering seventeen years of service passed away on 3rd March, 2017. Thereafter

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No. 8 Bahin Gram Panchayet, Raiganj Block had issued a legal heir certificate on 21st May, 2013 indicating Kana Das, the widow, Tushar Das the son, that is the applicant herein and Tanusree Das, married daughter are the legal heirs of deceased Tapan Kumar Das. Thereafter, the applicant made a prayer for compassionate appointment. Kana Das, widow of Late Tapan Kumar Das and Tanushree Das, married daughter as evident from annexure 'A' to the application, declared by an affidavit that they do not have any objection if compassionate appointment is granted to the applicant.

It appears from the application that the applicant on 4th September, 2019 applied for appointment on compassionate ground. The Chief Medical Officer of Health, Uttar Dinajpur, - the respondent no. 4 processed the application as evident from the memo dated 27th February, 2014. Thereafter the Chief Medical Officer of Health, Uttar Dinajpur by memo dated 3rd April, 2014 requested the applicant to appear before the enquiry committee along with his mother on 6th May, 2014. Subsequently, the Chief Medical Officer of Health, Uttar Dinajpur by memo dated 23rd May, 2014 forwarded the documents regarding compassionate appointment of the applicant before the Joint Director of Health Services (Personnel) West Bengal. Since the application for compassionate appointment of the applicant is pending, this application has been filed.

Mr. G.P. Banerjee, learned advocate for the State respondents submits, if directed, the respondent authorities will consider the matter in accordance with law.

Having heard the learned advocates of the parties and considering the facts and circumstances of the case, the application is disposed of by directing the Chief Medical Officer of Health, Uttar

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Dinajpur, - the respondent no. 4 to dispose of the matter regarding grant of compassionate appointment to the applicant, if not already done, by passing a reasoned order to be communicated to the applicant within fifteen weeks from the date of furnishing a copy of this order downloaded from the website of the Tribunal after giving an opportunity of hearing to the applicant, after verifying the records and after necessary enquiry.

Sk.

(SOUMITRA PAL)
CHAIRMAN.

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