

ORDER SHEET
WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. – **OA 783 OF 2021**

MITHU DAI - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

04
14.06.2022

For the Applicant : Ms. Shraboni Sarkar
Advocate

For the State respondents : Mr. Goutam Pathak Banerjee
Advocate

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.

In this application, Mithu Dai, the applicant, has prayed for several reliefs, the relevant portion of which is as under:

“ a) An order directing the respondents to issue compassionate appointment to the applicant under died-in-harness category in a post commensurate to his qualification immediately pursuant to application dated 28.05.2007 forthwith;

b) An order directing the respondents to provide an employment to the petitioner on compassionate ground in died in harness category in place and instead of his deceased father without any delay whatsoever.”

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It appears that Sunil Dai, the father of the applicant, a Rasham Karmi at Boswa Sericulture Comp. Unit in the district of Birbhum had expired on 22nd February, 2007 leaving behind three legal heirs who are Rashmoni Dai, the wife, Manjuri Dai, the daughter and the applicant, the son. The grievance of the applicant that though they have a meagre income of Rupees 13027/- per month and though the application for compassionate appointment was filed on 28th May, 2007, it has not been considered. Prayer is appropriate order may be passed on the respondents directing them to consider the said application.

Ms.S.Sarkar, learned advocate for the applicant submits that since the applicant and his mother and sister are in financial distress appropriate order may be passed directing the respondents to consider the case sympathetically for appointing the applicant on compassionate ground.

Mr.G.P.Banerjee, learned advocate appearing on behalf of the respondents and the added respondents submits that as it appears that Sunil Dai, the father of the applicant had expired on 22nd February, 2007 and as the family and the applicant have sufficient income to maintain themselves, no order may be passed. However, if directed, the respondent authorities will consider the application of the applicant for compassionate appointment in accordance with law.

Having heard the learned advocates for the parties and considering the facts and circumstances of the case, the original application is disposed of by granting liberty to the applicant to file application for compassionate appointment afresh enclosing the copies of relevant documents in support of his claim along with a copy of this order downloaded from the website of the Tribunal before the Secretary, Department of Agriculture, Kolkata, the

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respondent no. 7 within four weeks and if filed with the stipulated time, the same shall be disposed of by the Secretary, Department of Agriculture, by passing a reasoned order to be communicated to the parties within fifteen weeks after giving an opportunity of hearing to the applicant and his mother and sister and after making necessary inquiry and after verifying the records.

(SOUMITRA PAL)
CHAIRMAN

BLR