

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Administrative Member.

Case No. –OA-890 of 2018

Sandip Chakraborty. - Versus - The State of West Bengal & Others.

Serial No. and Date of order	For the Applicant	: Mr. B. C. Manna, Mrs. A. Manna, Advocates.
<u>17</u> 13.06.2022.	For the State Respondents	: Mrs. S. Agarwal, Advocate.

In the instant application, Sandip Chakraborty - the applicant has applied for a compassionate employment. His father Jagadish Chakraborty was an employee under the Department of Health and Family Welfare, as a Group – 'D', but he died-in-harness on 07.01.2005. Thereafter, the applicant applied on plain paper for a job to the Block Medical Officer of Health, Anantapur Block Primary Health Centre, Chansarpur, Purba Medinipur on 06.04.2005. The said application was later forwarded to the Chief Medical Officer of Health, Purba Medinipur and the Director of Health Services, West Bengal. Particularly, the proforma application for such an employment was forwarded by the Chief Medical Officer of Health, Purba Medinipur to the Director of Health Services, West Bengal on 24.03.2011.

On 1st April, 2014, the Director of Health Services, West Bengal communicated to the Chief Medical Officer of Health, Purba Medinipur that the said application for employment has been considered and rejected on the ground that such an application was not submitted "*within two years from the date of death of ex-employee who died prior to 02/04/2008.*" In a letter written by Block Medical Officer of Health, Anantapur Block Primary Health Centre, Chanserpur, Tamluk, Purba Medinipur on 16.07.2015 addressed to the Director of Health Services, Government of West Bengal, it was clarified that delay in submitting

was a lapse on part of the respondents in following :-

“Due to some official oversight applicants claim was not noted in the papers which was submitted to the competent authority. It was clearly an official Mistake at that time.

Now I am here by sending the report with the received copy of applicant to consider the service claim.”

Having known that such delay occurred due to negligence on part of the respondents, the applicant has sought relief before the Tribunal, the relevant portions are as under :-

“a) To pass an order with a mandatory direction to the concerned respondent authority to grant an employment in favour of the petitioner on a compassionate ground in place of the father of the petitioner Jagadish Chakraborty as an ex-employee who died in harness immediately without any further delay ;

b) To pass an order to forebear from giving effect and further effect to the impugned order dated 1.4.2014 passed by the Director of Health Services , Govt. of West Bengal and to quash them all as annexure “L” and “M” to this petition ;”

Mrs. S. Agarwal, learned advocate for the State submits that the application was rejected on the ground that the proforma application was submitted on 27.10.2010 which is after lapse of more than three (03) years from the date of death of ex-employee. Secondly, Mrs. Agarwal also submits that the application is not maintainable due to limitation.

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Let both the matters (MA-39 of 2022 and OA-890 of 2018)
appear under the heading “Admission Hearing” on 27th June, 2022.

(SAYEED AHMED BABA)
MEMBER(A)

S.M.