

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

**THE HON'BLE SAYEED AHMED BABA, OFFICIATING CHAIRPERSON AND ADMINISTRATIVE MEMBER,
Case No. - OA 896 OF 2019**

RITA BANERJEE - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and
Date of order

04
15.07.2024

For the Applicant : Mr.A.Lahiri
Advocate
For the State Respondent : Mr. Sankha Ghosh
Advocate

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638-WBAT/2J-15/2016 (Pt.-II) dated 23rd November, 2022 issued in exercise of the powers conferred under Section 5 (6) of the Administrative Tribunals Act, 1985.

On consent of the learned counsels for the contesting parties, the case is taken up for consideration sitting singly.

The applicant was appointed to the post of Sweeper with effect from 13.10.2011 under the exempted category of compassionate employment. Submission of Mr.Lahiri is that that the respondent authorities delayed in issuing appointment letter which was approved earlier by the Department dated 29.06.2007. Attention has been drawn to the Memo. No. 20924 dated 29.09.2011 and Memo. No. 1079 dated 14.10.2011. After examination of Memo. No. 1079, it appears that by a correspondence dated 29.06.2007 the Home (Police) Department had approved the appointment of the applicant, but such appointment was given to the applicant only on 13.10.2011. Argument is that despite approval of the competent authority, the respondent authority delayed in issuing the appointment letter by five years. Due to laches on part of the respondent authorities in issuing the appointment letter, the applicant superannuated on 31.01.2020 without completing ten years of qualifying service and thus, deprived of pension and other retiral benefits.

Mr.Ghosh has responded by submitting that such delay occurred

ORDER SHEET

Form No.

RITA BANERJEE

Vs.

Case No : **OA 896 OF 2019**

THE STATE OF WEST BENGAL & OTHERS.

in issuing the appointment letter due to the fact that there was delay in completing her medical and PVR formalities. Mr.Ghosh has been advised to file a reply on behalf of the respondents explaining the five years delay which appears to have occurred from the date such an appointment was approved till the date the appointment letter was issued for the applicant.

The matter is admitted. Let reply be filed by the next date and a copy be served upon the other side. Rejoinder, if so wished, also be filed in the meantime. Matter to appear under the heading “Reply, rejoinder an Further Hearing” on 19th November, 2024.

BLR

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON AND MEMBER (A)