

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 931 OF 2021

NISITH PABAN PAL - Vs - THE STATE OF WEST BENGAL & OTHERS

Serial No. and
Date of order

For the Applicant : Mr.Asok Kumar Das Sinha
Advocate

10
03.12.2024

For the State Respondents : Mrs.Sunita Agarwal
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 has prayed for a direction to the respondent authorities to reconsider the representation dated 03.03.2020. In this representation, the applicant referring to his earlier representation dated 17.06.2013 and 09.07.2013, request him for appointment on compassionate ground. From the submissions of the learned counsels and records, it is observed that in terms of a direction of this Tribunal in OA-24 of 2002, the Director of Health Services on 05.01.2003 passed a reasoned order regretting an employment under compassionate ground to the applicant. The primary reason given for such rejection was that after family receiving the retiral benefits and family pension, is not in any financial difficulty and therefore, such an employment is not necessary to the legal heirs of the family. Mrs.Agarwal, learned counsel points out that though such a reasoned order was passed regretting an employment, but the applicant has never assailed this impugned order in any court of law. Her submission is that since the reasoned order has not been assailed, the prayer of the applicant in this application for

ORDER SHEET

Form No.

NISITH PABAN PAL

Vs.

Case No : **OA 931 OF 2021**

THE STATE OF WEST BENGAL & OTHERS.

reconsideration of his representation is not a valid prayer.

Having heard the submissions of the learned counsels and considering the facts and circumstances of the case, the Tribunal is of the opinion that the respondent authority had already considered his representation and passed a reasoned order. The prayer in this application for reconsideration of his representation is not a valid prayer. Since the reasoned order regretting the compassionate employment has not been assailed or set aside by any court of law, it is the conclusion of this Tribunal that his prayers for a compassionate employment was earlier considered and a decision taken and such decision has been very much in the knowledge of the applicant.

Therefore, finding no merit in this application, it is disposed of without passing any orders.

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

BLR