

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Bikash Bhavan, Salt Lake, Kolkata – 700 091.**

**Present-**

**The Hon'ble Mrs. Urmita Datta (Sen), Member(J) &  
Hob'ble Sayeed Ahmed Baba, Member (A\_)**

**Case No. – OA-781 of 2017**

**Shyamali Soren VERSUS – The State of West Bengal & Ors.**

Serial No. and Date of order For the Applicant : Mrs. S. Agarwal,  
Learned Advocate.  
For the State Respondent : None.

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21.12.2021

None for the respondent.

The instant application has been filed basically challenging the impugned order of rejection dated 22.03.2017 (Annexure-Z4) whereby the case of the applicant was rejected only on the ground that the applicant had submitted application for compassionate appointment in prescribed proforma beyond six months time from the date of his retirement on the ground of incapacitation.

As per the applicant, the husband of the applicant was declared permanently disabled for government service as well as retired from service on 16.11.2010 vide Memo dated 9-11/02/2011 (Annexure-M). Subsequently, she had filed a plain paper application before the Director of School Education (S.E) for granting the compassionate appointment on 25.05.2011 which was subsequently forwarded by the District Inspector of Schools (S.E.) Dakshin Dinajpur vide his Memo dated 16.06.2011. As no decision was taken in the meantime, the applicant approached this Tribunal on 01.04.2013 in OA-1494/2013, which was disposed of vide order dated 14.07.2014 by directing the applicant to submit an application with necessary documents in prescribed proforma duly filled in to the District Inspector of Schools, Dakshin Dinajpur within 15 (fifteen) days. Thereafter, the applicant submitted the prescribed proforma application on 22.06.2014. Therefore, there is no delay in filing the prescribed proforma application before the authority. Therefore, the counsel for the applicant has prayed for setting aside the impugned order dated 22.03.2017.

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None for the respondent. Neither any reply has been filed though it is a case of 2017.

Heard the counsel for the applicant and perused the record. It is noted that the husband of the applicant was declared permanently incapacitated and was allowed to retire in the year 2010 vide order dated 9-11/02/2011. Thereafter the applicant had filed the plain paper application on 25.02.2011 which was received by the authority. However, respondents did not take any steps with regard to the compassionate appointment of the applicant. The applicant approached this Tribunal in OA-1494 of 2013 which was disposed of with a direction to the applicant to file proforma application within 15 days with all documents. In compliance to that, she had submitted her proforma application and that has been rejected. Even then, the respondent authority did not take any decision with regard to the compassionate appointment of the applicant. Therefore, the applicant was forced to file contempt application being No. CCP-34 of 2015. Thereafter the Secretary had passed the impugned order dated 22.03.2017 rejecting the claim of the applicant on the ground of delayed submission of proforma application.

However, in view of the facts and circumstances, it is clear that the applicant had filed her proforma application within time as the proforma application has to be supplied by the respondent authority. Ultimately as per the direction of this Tribunal, she had filed the proforma application within stipulated period of time. Therefore, the decision of the authority is contrary to the fact of the case. Accordingly, we quash and set aside the order dated 22.03.2017 and remand back the matter to the Secretary, School Education Department (S.E) to review the decision as per rules and communicate the same by way of passing speaking and reasoned order within a period of 12 (twelve) weeks from the date of receipt of the order. Accordingly, OA is disposed of with no order as to costs.

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Since the circumstances beyond control, the Registry is unable to furnish plain copies of this order to the learned advocates for the parties, the Registry is directed to upload this order on the website of the Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.

SAYEED AHMED BABA  
MEMBER (A)

URMITA DATTA (SEN)  
MEMBER (J)

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