

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

**Present-**

**The Hon'ble Justice Soumitra Pal, Chairman.**

**Case No. –OA-807 of 2021**

**Shri Sankar Dom. - Versus - The State of West Bengal & Others.**

Serial No. and Date of order	For the Applicant	: Mr. S. Tripathi, Mr. B. Ghosh, Advocate.
<u>3</u> 11.05.2022.	For the State Respondents	: Mr. S. Ghosh, 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 11<sup>th</sup> February, 2022 issued in exercise of the powers conferred under section 6 (5) of the Administrative Tribunals Act, 1985.

In this application, Sankar Dom - the applicant, son of late Manilal Dom, has prayed for certain reliefs, the relevant portion of which is as under :-

*“a) An order directing the Respondent No. 1 to forthwith offer an appointment to the applicant under dying-in-harness category of his father Late Monilal Dom under compassionate ground.”*

It is evident that the father of the applicant, who was attached to Sagore Dutta S.G. Hospital, expired on 3<sup>rd</sup> October, 1988 while in service. Thereafter, on 24<sup>th</sup> December, 1996, the applicant filed an application before the Chief Medical Officer of Health, North 24 Parganas, – the respondent no. 4, for appointment on compassionate ground.

It appears from memo dated 19<sup>th</sup> July, 2007 issued by the Superintendent, Sagore Dutta S.G. Hospital, Kamarhati, 24 Parganas (N)

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– the respondent no. 5 to the Chief Medical Officer of Health, North 24 Parganas, Barasat – the respondent no. 4, being annexure-F to the application, that the applicant was selected for the post of Dom and directions were issued for completion of medical fitness test. Further, it has been noted that the applicant had deposited the PVR form.

Mr. S. Tripathi, learned advocate appearing on behalf of the applicant submits since the applicant is waiting for the job since then and the representation dated 23<sup>rd</sup> July, 2021 was furnished before the Joint Director of Health Services (Personal), Department of Health and Family Welfare, Government of West Bengal – the respondent no. 3 as well as before the respondent nos. 4 and 5, appropriate order may be passed directing the applicant to be appointed on compassionate ground.

Mr. S. Ghosh, learned advocate appearing on behalf of the State respondents submits since certain formalities are yet to be completed with by the applicant, no order may be passed. Moreover, the PVR of the applicant is pending. However, if directed, the respondent authorities will consider the representation dated 23<sup>rd</sup> July, 2021 in accordance with law.

Having heard the learned advocates for the parties and considering the facts and circumstances of the case, the application is disposed of by directing the Joint Director of Health Services (Personal), Government of West Bengal – the respondent no. 3 to dispose of the representation dated 23<sup>rd</sup> July, 2021 by passing a reasoned order to be communicated to the parties within 12 (Twelve) weeks from the date of presentation a copy of this order downloaded from the website of the Tribunal after

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giving an opportunity of hearing and after verifying the records, including the memo. dated 19<sup>th</sup> March, 2007 issued by the respondent no. 5.

(SOUMITRA PAL)  
CHAIRMAN

S.M.