

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-980 of 2017

Soma Ghosh VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicant	:	Mrs. S. Agarwal, Mr. K.K. Bhattacharya, Learned Advocates.
<u>15</u> 21.12.2021	For the State Respondent	:	None.

The instant application has been filed for consideration of her case for compassionate appointment. However, with the reply, the respondents had enclosed one order dated 15.12.2000, which was never communicated to the applicant. Therefore, as per the applicant, as order dated 15.12.2000 was passed by rejecting her prayer (which was never communicated to her), she wants to challenge the same by amending the prayer. Therefore, the counsel for the applicant has prayed for leave to add the prayer 10 (d). Prayer is allowed.

It is noted that reply/rejoinder has already been filed but none is appearing since long in the instant matter. As it is a case of 2017, we have heard the matter on the basis of the available materials on record.

It is noted that the respondent had enclosed one order dated 15.12.2000 written by the Director of Health Services., West Bengal to the Chief Health Officer asking for communication of the order dated 15.12.2000 whereby the following order was passed :-

“The undersigned regrets to inform him that the above prayer has been examined carefully and rejected.”

However, from the pleadings also, it is not found whether it has ever been communicated or not. Even in the said letter, there is no mentioning of forwarding copy to the applicant. Further the applicant in his rejoinder, has specifically denied that the order dated 15.12.2000 was never served upon him, which is not denied by the respondent by filing any

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affidavit.

It has been further noted that the impugned order 15.12.2000, is not a speaking order as no reasons for rejection has been assigned. Therefore, we have no alternative but to quash and setting aside the order dated 15.12.2000 and remand back to the Director of Health Services, West Bengal, Health & Family Welfare Department, and direct him to review the case of the applicant as per rules and circulars and to take a decision and communicate the same by way of reasoned and speaking 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.

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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