

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Present-**

The Hon'ble Mrs. Urmita Datta (Sen), Member (J) &  
The Hon'ble P. Ramesh Kumar, Member (A).

CCP -100 OF 2018 ( OA -247 of 2017)

Krishna Kanta Mondal Vs. Mr. Goutam Chatterjee, Secy, I & W D Deptt.

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
06 <hr/> 25.09.2019	<p>For the petitioner : Mr. S. Ghosh, Learned Advocate .</p> <p>For the respondent : Mr. S.N. Roy, Learned Advocate.</p> <p style="text-align: center;">The instant application has been filed praying for compliance of the dated 25.09.2018 whereby the Respondent No. 1, Secretary, Irrigation &amp; Waterways Department was directed to take final decision after completing all the formalities and communicate the same by passing a speaking and reasoned order within a period of 8 (eight) weeks from the date of receipt of the order.</p> <p style="text-align: center;">The counsel for the respondent has submitted that the order has been complied with as the enquiry committee formed as per the order of the Tribunal and following decision has been taken by the respondent no. 1 :-</p> <p style="text-align: center;"><b>“Now, on hearing the matter and on the basis of documents placed before me</b></p>	

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<p>06 25.09.2019</p>	<p><b>and also on the basics of equity, justice and good conscience, it is hereby ordered that, on receipt of Affidavit as aforesaid from the Applicant herein, the Executive Engineer, Mayurakshi Head Quarters Division, I &amp; W D Dte. Shall take step as per extant rules and circulars of the Government to process the Application of Sri Krishna Kanta Mondal herein in regard to his prayer for Compassionate appointment under dying-in-harness category and such Appointment shall be considered by the Irrigation &amp; Waterways Department on receipt of the Enquiry Committee, through proper channel and further decision will taken as per extant Government rules and circulars. ”</b></p> <p>Therefore, they have already complied with the order.</p> <p>However, the counsel for the applicant has vehemently objected to such submission. After perusal of the said reasoned order dated 05.03.2019, it is noted that the</p>	

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<p style="text-align: center;">06 25.09.2019</p> <p style="text-align: left;">Page /3</p>	<p>applicant's case for compassionate appointment will be considered by the I &amp; W D Deptt. on receipt of the report of enquiry committee and further decision will be taken up as per Government's rules and circulars.</p> <p style="text-align: center;">However, the applicant was also directed to submit affidavit before the 1<sup>st</sup> Class Magistrate with regard to date of birth, which has already been submitted. Therefore, as per the counsel for the applicant, the order of this Tribunal has been fully complied with.</p> <p style="text-align: center;">Heard the parties. It is noted, from the perusal of the order dated 05.03.2019 passed by the Secretary to the Govt. of West Bengal I &amp; W. D. Deptt., that they have to take decision on the basis of the report of the enquiry committee as well as extant rules and circulars. Therefore, it is clear that till date they have not taken any final decision as directed by this Tribunal vide order dated 25.09.2018.</p> <p style="text-align: center;">In our considered view, the order</p>	

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<p style="text-align: center;">06 ----- 25.09.2019</p> <p style="text-align: center;">sc</p>	<p>dated 25.09.2018 is yet to be complied with as the respondents are in the process and they have not taken any final decision as per our direction. However, for the ends of justice the Contemnors are granted some time to take final decision and to file compliance report by the next date in proper format by the appropriate authority. Let the matter be listed for compliance on <b>11.12.2019</b>.</p> <p style="text-align: center;">P. RAMESH KUMAR MEMBER (A)</p> <p style="text-align: center;">URMITA DATTA (SEN) MEMBER (J)</p>	

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