

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-****The Hon'ble JUSTICE RANJIT KUMAR BAG****& The Hon'ble DR. SUBESH KUMAR DAS****Case No – CCP 163 OF 2016****LOKNATH DAS Vs Shri Saurav Kumar Das, IAS, Principal Secretary, Public Health Engineering, Government of West Bengal.**

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
<p style="text-align: center;"><u>08</u> 27.03.2018</p>	<p><i>For the Applicant : Mr. Kingsuk Mondal, Learned Advocate.</i></p> <p><i>For the Respondent : Mr. G.P. Banerjee, Learned Advocate.</i></p> <p>The applicant has prayed for issuance of contempt rule against the contemnor for intentional violation of order dated April 28, 2016 passed by this Tribunal in connection with O.A No. 967 of 2015. It is relevant to quote a few paragraphs of order dated April 28, 2016 passed in connection with O.A No. 967 of 2015, which are as follows :</p> <p><i>“That apart, we find the process for considering the prayer for compassionate appointment of the applicant had reached an advanced stage and the enquiry committee report was also filed. This would be evident from Memo No. 249/MC-III/1-MC-III-92-2007 dated March 08, 2010 issued by the Superintending Engineer, Mechanical Circle III addressed to the Chief Engineer, Mechanical/Electrical, P.H.E. Directorate. As such, it was incumbent upon the authorities to carry the same to its logical conclusion instead of abandoning the said process midway citing the ground of delay, which is not</i></p>	

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It appears from the above order of the Tribunal that the contemnor should have taken decision on prayer of the applicant for compassionate appointment on the basis of report submitted by the enquiry committee and in accordance with Notification No. 97-EMP dated June 06, 2015 issued by the Labour Department, Government of West Bengal, which was in force at the time of death of the concerned employee. On perusal of the compliance report submitted by the contemnor and on consideration of the reasoned order passed by the contemnor (Annexure

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O2 to the objection against compliance report of the contemnor), we find that the contemnor has rejected prayer of the applicant for compassionate appointment on the ground of delay, though the Tribunal specifically directed the contemnor not to take into account delay factor in deciding the fate of the application for compassionate appointment in the instant case. It is true that prime consideration for compassionate appointment is the need of immediate financial crisis in the family of the deceased employee. The report of three men enquiry committee was available in this regard as reflected from the order of the Tribunal, but the same has not been considered by the contemnor. Nor the contemnor has considered the application for compassionate appointment in accordance with the provisions of Notification No. 97-Emp. dated June 6, 2005 issued by the Labour Department, Government of West Bengal. In our view the contemnor has failed to comply with the direction of the Tribunal either by passing reasoned order or by submitting compliance report. Accordingly, the compliance report submitted by the contemnor cannot be accepted by the Tribunal.

We would like to grant the last opportunity to the contemnor to comply with the direction of the Tribunal within a period of 8 (eight) weeks from the date of

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communication of this order. Learned Counsel representing the contemnor will communicate this order to the contemnor for compliance within the stipulated period of time. The contemnor is directed to submit report of compliance supported by his Affidavit on the next date of hearing.

List the matter under the heading "Hearing" on 06.07.2018.

Let a plain copy of this order be supplied to both parties.

(S.K.DAS)
Member (A)

(R.K.BAG)
Member (J)

H.S