

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

**The Hon'ble JUSTICE RANJIT KUMAR BAG
& The Hon'ble DR. SUBESH KUMAR DAS**

Case No – CCP 27 OF 2017

SUKUMAR ORAON Vs Shri Chandan Sinha, Principal Secretary, Forests, 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;">09</p> <hr/> <p>08.06.2018</p>	<p><i>For the Applicant : Mrs. S. Chanda, Learned Advocate.</i></p> <p><i>For the Contemnor/ Opposite Party : Mr. M.N. Roy, Learned Advocate.</i></p> <p><i>The contempt application is filed on the allegation of wilful violation of order dated April 8, 2016 passed by the Tribunal in connection with OA-879 of 2015. By said order dated April 8, 2016, the Tribunal gave direction to the contemnor to consider prayer of the applicant for compassionate appointment on merit by affording him an opportunity of hearing and to take a decision and communicate the same to the applicant.</i></p> <p><i>It appears from the compliance report submitted on behalf of the contemnor that the contemnor has passed a reasoned order in connection with the claim of the applicant for compassionate appointment on November 18, 2016. It appears from the said order that the applicant submitted application for compassionate appointment almost after 4 years from the date of death of the concerned employee. By virtue of Notification No. 251-Emp. dated December 3, 2013 as amended by Notification No. 329-Emp. dated September 29, 2016</i></p>	

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issued by the Labour Department, Government of West Bengal, the application for compassionate appointment must be submitted within a period of 2 years from the date of death of the concerned employee. The delay in filing the application was condoned by the Forest Department without having any authority under the law as the said delay can be condoned only by the Labour Department which issued the Notification governing the scheme of compassionate appointment of the applicant.

*Accordingly, we are unable to accept the contention made on behalf of the applicant that the delay should not have been taken into consideration by the contemnor in passing the order in compliance with the direction given by the Tribunal. Since the contemnor has taken a decision and the decision has been communicated to the applicant, the contemnor has complied with the direction given by the Tribunal. As a result, the contempt application is **dismissed.***

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

H.S/Sanjib

(S.K.DAS)
Member (A)

(R.K.BAG)
Member (J)