

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

The Hon'ble Justice Ranjit Kumar Bag
& The Hon'ble Subesh Kumar Das

Case No CCP - 58 OF 2017

JOYOTSNA MALLARAJ @ JOYOTSNA DAS Vs. SAMPAD RANJAN PATRA, DIRECTOR OF AGRICULTURE,
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><u>05</u> 12.04.18</p>	<p>For the Applicant : Mr.A.K.Banerjee Learned Advocate</p> <p>For the Respondent : Mr.S.N.Ray Learned Advocate</p> <p>Compliance report submitted on behalf of the contemnor today is kept on record. The applicant has prayed for issuance of contempt rule against the contemnors for intentional violation of the order dated January 11, 2017 passed by this Tribunal in connection with OA-468 of 2016. It is relevant to quote three (03) paragraphs of the said order dated January 11, 2017, which are as follows:</p> <p><i>“Accordingly, we dispose of this Application without going into the merit of the case and give liberty to Shri Mithu Das, son of the Ex-Government Employee to file a prayer for Compassionate Appointment before the Authority.</i></p> <p><i>In the particular facts and circumstances of the present case, if any such Application is filed by Shri Mithu Das, son of Late Shri Pradip Kumar Das, it is needless to say, that the same will not be affected by delay due to limitation. It is further directed that the Authorities will take a decision in</i></p>	

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	<p><i>respect of such prayer filed by Shri Mithu Das on merit without being guided by disposal of this Application.</i></p> <p><i>In the event, Shri Mithu Das files his Application for Compassionate Appointment within a fortnight from today, the said Application must be disposed of within a period of 6 (six) weeks from the date of receipt of such prayer”.</i></p> <p>It appears from the above direction given by the Tribunal that the contemnors were directed to take a decision in respect of prayer of the applicant Mithu Das for compassionate appointment. The contemnor, Director of Agriculture & Ex-Officio Secretary, Department of Agriculture, Government of West Bengal has stated in the compliance report that the copy of the present contempt application and the copy of the original application filed in connection with OA-468 of 2017 were not served on the said contemnor. It appears from the said compliance report that one Sandhya Das, wife of the deceased employee Pradip Kumar Das already got retirement benefits and compassionate appointment in Group-D post. The present applicant being the son of one Joyotsna Mallaraj has failed to produce valid document to establish that the present</p>	

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BLR	<p>applicant is the son of the deceased employee Pradip Kumar Das and as such the contemnor was not in a position to take decision in connection with compassionate appointment of the present applicant. Having heard Learned Counsel representing both parties and on consideration of the compliance report submitted by the contemnor, we are of the view that the contemnor has not violated the order passed by the Tribunal wilfully and intentionally. Accordingly, we cannot persuade ourselves to issue contempt rule against the contemnor. The dispute whether the present applicant is the son of the deceased employee Pradip Kumar Das is left open for decision by the appropriate authority in accordance with provisions of law. With the above observation, the present contempt application stands disposed of.</p> <p style="text-align: center;">Let a plain copy of the order be supplied to both parties.</p> <p style="text-align: center;">(S.K.Das) MEMBER(A)</p> <p style="text-align: center;">(R.K.Bag) MEMBER (J)</p>	