

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

**The Hon'ble Justice Ranjit Kumar Bag
& The Hon'ble Dr. Subesh Kumar Das**

Case No – CCP 93 of 2018 [OA 135 OF 2017]

Suraja Yesmin vs A. Bhattacharya, Pr. Secy., Home Police, Govt. of West Bengal & Ors.

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
05 29.08.2019	<p>For the Applicant : Mr. I. Pal, Learned Advocate.</p> <p>For the Contemnor OP : Mr. S.N. Ray, Learned Advocate.</p> <p>The applicant has prayed for issuance of the contempt rule for wilful violation of order dated April 17, 2018 passed by the Tribunal in OA 135 of 2017.</p> <p>On April 17, 2018 this Tribunal disposed of OA 135 of 2017 by giving direction to the Principal Secretary to the Government of West Bengal, Department of Home (Police) to consider letter dated July 16, 2014 issued by the Director General and Inspector General of Police, West Bengal for appointment of the applicant in the post of LDC in one of twenty one vacancies of LDC in West Bengal Police on compassionate ground. The Principal Secretary to the Government of West Bengal, Department of Home (Police) had taken a decision that it is not possible to give appointment of applicant Suraja Yesmin by superseding other candidates and by disturbing the chronological order of preparation of the list of candidates for grant of compassionate appointment under exempted category in West Bengal Police. It has also been decided by the contemnor that the proposal for appointment of the applicant in</p>	

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the post of LDC on compassionate ground (under exempted category) in West Bengal Police will be considered when her turn will come for grant of such appointment. However, the decision has also been taken that the applicant is at liberty to change her option for appointment in Group-D post/Lady Constable on compassionate ground, subject to submission of fresh application by the applicant for the said purpose. The above decision of the contemnor has been communicated to the Director General and Inspector General of Police, West Bengal and the applicant under letter no. 1481(2)-PL/PB/2P-356/14 dated June 10, 2019 by the Joint Secretary to the Government of West Bengal, Department of Home & Hill Affairs.

The question for consideration of the Tribunal is whether the contemnor has complied with the direction given by the Tribunal in OA 135 of 2017. Mr. Pal, Learned Counsel for the applicant, contends that the applicant submitted application for appointment in Group-D post on compassionate ground as she is in urgent need of financial assistance for maintenance of members of the family. The specific submission of Learned Counsel is that the applicant will suffer irreparable loss if she is asked to file fresh application for appointment in Group-D post/Lady Constable on compassionate ground, even though she is willing to be appointed in Group-D post on compassionate ground without making her claim for appointment in Group-C

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post as recommended by the Director General and Inspector General of Police, West Bengal. On the other hand, Mr. Ray, Learned Counsel representing the contemnor, submits that there are only forty five vacancies in the cadre of LDC under exempted category in West Bengal Police and the serial number of the applicant is 192 in the list prepared for compassionate appointment in the post of LDC in West Bengal Police under exempted category on chronological order of date of death of the concerned employee and thereby the applicant will have to wait for considerable period of time for being considered for appointment in the post of LDC in West Bengal Police. Mr. Ray also submits that if the applicant is willing to be appointed in Group-D post/Lady Constable, she will have to submit fresh application.

Having heard Learned Counsel representing both parties and on consideration of materials on record, we find that there is no immediate scope for consideration of the applicant for appointment to the post of LDC in West Bengal Police under exempted category. On our specific query to Learned Counsel for the applicant as to whether the applicant is willing to be appointed in Group-D post or in the post of Lady Constable on compassionate ground, Learned Counsel took instruction from his client and submitted that the applicant is willing to be appointed in Group-D post in West Bengal Police as she is in

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urgent need of income for maintenance of her family. Since the applicant is willing to be appointed in Group-D post in West Bengal Police on compassionate ground, we are of the view that the recommendation made by Director General and Inspector General of Police, West Bengal on July 16, 2014 for appointment of the applicant in the post of LDC should now be considered as recommendation of Director General and Inspector General of Police, West Bengal for appointment of the applicant in Group-D post in West Bengal Police. As a corollary of our observation, we would like to hold that there is no need of submission of fresh application by the applicant for her appointment in Group-D post in West Bengal Police on compassionate ground as the case of the applicant has already been processed in terms of the scheme formulated by the Labour Department, Government of West Bengal and forwarded to the Department by Director General and Inspector General of Police.

Accordingly, the contemnor, Additional Chief Secretary to the Government of West Bengal, Department of Home (Police) is directed to consider for appointment of the applicant in Group-D post in West Bengal Police on compassionate ground by treating the recommendation made by Director General and Inspector General of Police, West Bengal on July 16, 2014 as recommendation for appointment of the applicant in Group-D

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post in West Bengal Police within a period of 12 (twelve) weeks from the date of communication of this order and take necessary follow up action in this regard within a period of 8 (eight) weeks thereafter.

The applicant is at liberty to move this Tribunal if the order of the Tribunal is not complied with by the contemnor within the stipulated period of time.

Since the order of the Tribunal passed in OA 135 of 2017 has been complied with by the contemnor by taking a decision as communicated to the applicant under letter dated June 10, 2019, we are of the view that the present contempt application should be disposed of. As a result, the contempt application stands **disposed of**.

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

(S.K. DAS)
MEMBER(A)

(R. K. BAG)
MEMBER (J)

Sanjib