

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

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

Case No – CCP - 149 OF 2016

**MUSTAK ALAM & ORS. Vs Shri Sharad Kumar Dwivedi, I.A.S., District Magistrate, Malda,
Government 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
<p>12</p> <hr/> <p>07.05.2018</p>	<p>For the Applicant : Mr. Gourav Halder Learned Advocate</p> <p>For the Contemnor : Mr. B.P. Roy Opposite Party Learned Advocate</p> <p>The contemnor, Mr. Sharad Kumar Dwivedi is personally present before the Tribunal. We have considered the report submitted by the contemnor on May 3, 2018 and heard the contemnor in person. We have also heard Learned Counsel for the applicant. It appears from the report submitted by the contemnor that the District Magistrate, Malda has made last correspondence with the Department of Land and Land Reforms, Government of West Bengal on April 21, 2018 in response to the queries made by the Department on April 13, 2018. The contemnor has categorically submitted that repeated letters have been sent to the Department of Land and Land Reforms in response to the queries made by them in connection with the claim of the applicant for compassionate appointment, but no decision has yet been taken by the Department of Land and Land Reforms, Government of West Bengal. It has also been brought to our notice that the decision in connection with</p>	

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SCN.	<p>compassionate appointment of the applicant can be taken by the Department of Development and Planning, Government of West Bengal, but the said Department has not responded positively due to non-availability of vacancy for giving birth to the applicant by way of compassionate appointment. The contemnor has already been transferred from the post of District Magistrate, Malda on March 8, 2017. Since the contemnor has done his part of duty for compliance with the direction given by the Tribunal and since the contemnor being the District Magistrate of Malda had no authority to take the decision in connection with the compassionate appointment of the applicant, and since the contemnor has already been transferred from the post of District Magistrate, Malda on March 8, 2017, the present contempt application is not maintainable against the present contemnor. The contempt application is, thus, dismissed.</p> <p>The personal appearance of the contemnor is dispensed with.</p> <p>Let a plain copy of the order be supplied to both parties.</p> <p>(S.K. Das) MEMBER (A)</p> <p>(R.K. Bag) MEMBER (J)</p>	