

**ORDER SHEET****WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-****The Hon'ble Justice Mr. Soumitra Pal, Chairman****The Hon'ble Mr. P. Ramesh Kumar, Member (A)****Case No – MA-202 of 2018(OA-416 of 2016)****Samir Mondal. Vs The State of West Bengal & Others.**

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;">02</p> <p>-----</p> <p>08-02-2019</p>	<p>For the Applicant : Md. Nure Zaman, Advocate.</p> <p>For the State Respondents : Mr. G. P. Banerjee, Advocate.</p> <p>Though the miscellaneous application 202 of 2018 is appearing in the list, however as the original application, being OA-416 of 2016, is not appearing in the list, since records are before court, with the consent of Md. Nure Zaman, learned advocate for the applicant, and Mr. G. P. Banerjee, learned advocate for the respondent, the original application is treated as on day's list and is taken up for hearing along with the Miscellaneous Application.</p> <p>In short the facts are that the applicant has challenged the order passed by the Additional Chief Secretary, Government of West Bengal whereby his prayer for appointment on compassionate appointment was rejected which</p>	

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	<p>was passed following the direction contained in the order dated 2/3<sup>rd</sup> January, 2017 in OA-416 of 2016, Samir Mondal &amp; Others Vs. State of West Bengal &amp; Others. Prayer has also been made to consider the application of the petitioner to appoint on compassionate ground in the died-in-harness category.</p> <p>Mr. Zaman, learned advocate appearing for the applicant submits that the impugned order passed by the Additional Chief Secretary, rejecting his prayer for compassionate appointment cannot be sustained as it is not in consonance with the relevant circulars prevalent at the time of the death of the father of the applicant, that is, 2<sup>nd</sup> July, 2004. Moreover, as it is evident from the intimation dated 7<sup>th</sup> February, 2018 issued by the Chief Engineer(Mech/Elec-SZ), P. H. Engineering Directorate the respondent no. 2 addressed to the Superintending Engineer, Mechanical</p>	

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	<p>Circle-1, P.H.E. Directorate the respondent no. 4, that the authorities are willing to employ the applicant on compassionate ground and have requested for resubmission of papers, appropriate order may be passed after setting aside the impugned order passed by the Additional Chief Secretary. Mr. Zaman submits on instruction that as no Group-C post is vacant, his client is ready to join in a Group-D post.</p> <p>Mr. G. P. Banerjee, learned advocate appearing for the respondent submits that the order passed by the Additional Chief Secretary is just and proper. However he does not stand in the way for considering the matter regarding appointing the applicant on compassionate ground in the died-in-harness category if the applicant submits proper documents pursuant to the intimation dated 7<sup>th</sup> February, 2018.</p> <p>Having heard Mr. Mr. Zaman, and</p>	

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	<p>Mr. G. P. Banerjee, appearing for the parties, since we find that even after the order rejecting the prayer of the applicant for appointment on compassionate ground by the Additional Chief Secretary, the Chief Engineer(Mech/Elec-SZ), P. H. Engineering Directorate, by intimation dated 7<sup>th</sup> February, 2018 addressed to the Superintending Engineer, Mechanical Circle-1, P.H.E. Directorate, has initiated a fresh move to provide employment to the applicant for appointment on compassionate ground, considering such fact the original application and the miscellaneous application are disposed of by granting liberty to the applicant to reply and resubmit the papers pursuant to the intimation dated 7<sup>th</sup> February, 2018, appearing at page 23 of the original application, before the Superintending Engineer, Mechanical Circle-1, P.H.E. Directorate within 4(four) weeks from the date of receipt of the certified copy of this order. If such application is filed in tune with the requirements mentioned in the intimation</p>	

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Mihir	<p>dated 7<sup>th</sup> February, 2018, the same shall be disposed of by the Chief Engineer, the respondent no. 2, by passing a reasoned and speaking order regarding appointing the applicant on compassionate ground in the died-in-harness category, to be communicated to the applicant within twelve weeks without being influenced by the order dated 27<sup>th</sup> March, 2017 passed by the Additional Chief Secretary, Government of West Bengal.</p> <p><b>P. RAMESH KUMAR</b> <b>MEMBER(A)</b></p> <p><b>SOUMITRA PAL</b> <b>CHAIRMAN</b></p>	

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