

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

The Hon'ble Smt. Urmita Datta (Sen), Member (J)

&amp; The Hon'ble P. Ramesh Kumar, Member (A)

Case No MA – 66 of 2019 & MA – 67 of 2019 (OA - 127 of 2017)

Sk Golam Kader –Vs- The State of West Bengal &amp; 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;"><u>3</u> 05.04.2019</p>	<p><i>For the Applicant : Mr. G.P. Banerjee, Ms. S. Saha, Advocates.</i></p> <p><i>For the Respondents: None.</i></p> <p><i>The instant MA- 67 of 2019 has been filed praying for recalling of the order dated 12.07.2017 by which the O.A. is dismissed for default. However, another MA – 66 of 2019 for condonation of delay has been filed praying for recalling of the order dated 12.07.2017.</i></p> <p><i>As per the counsel for the applicant, he has a good case on merit. Therefore, the applicant should not suffer due to any latches on the part of the counsel. It has been further submitted that he earlier approached this Tribunal with a direction upon the respondent to consider his case for compassionate appointment and this Tribunal vide order dated 28.07.2015 passed in O.A. No. – 1333 of 21014 after quashing Memo dated 12.09.2014 had directed the respondent No. 2 i.e. Director of Health Services to take a fresh look at the entire issue on the basis of the merit of the case and inform his decision with regard to the compassionate appointment of the present petitioner within a period of eight weeks from the date of communication of</i></p>	

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	<p><i>this order. However, the respondent vide their Memo dated 06.06.2016 in place of taking any decision had passed the following order:</i></p> <p><i>“Now, therefore, the present file is being sent to compassionate cell with request to them to examine the case as per instruction of the Hon’ble Tribunal and inform the undersigned to enable the undersigned to issue another reasoned order consequently.”</i></p> <p><i>However, as per the applicant, the Tribunal had directed the Director of Health Services to take final decision but in place of taking any decision he had disposed of the matter citing the reason that the present file is being sent to compassionate cell which is contrary to the direction of the Tribunal. Therefore, the counsel for the applicant has submitted that it would suffice his purpose if the respondents would be directed to take final decision with regard to his compassionate appointment within a stipulated period of time. Therefore the counsel for the applicant has prayed that unless the fore-mentioned M.A. is allowed the applicant will suffer irreparable loss and injuries without his own fault.</i></p> <p><i>None for the respondent.</i></p>	

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A.K.P.	<p><i>Heard the counsel for the applicant. In view of the above, both the M.A.s are allowed. The O.A. has been restored in its original position. Respondent no. 1 is directed to take final with regard to the compassionate appointment of the applicant and to communicate the same within a period of eight weeks from the date of the receipt of the order. Accordingly, both the M.A.s and O.A. are disposed of.</i></p> <p><b>P. RAMESH KUMAR MEMBER (A)</b>                      <b>URMITA DATTA (SEN) MEMBER (J)</b></p>	