

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

The Hon'ble Urmita Datta (Sen) Member (J) & OA-33 of 2019
 The Hon'ble Mr. P. Ramesh Kumar, Member (A)

Budhan Besra Vs **The State 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><u>02</u> 15.02.2019</p>	<p>For the applicant : Mr. G.P. Banerjee, Mr. M. Anowar, Learned Advocates.</p> <p>For the respondent : None.</p> <p>The instant application has filed praying for following relief :-</p> <p>1. To pass an order directing the concerned respondent authorities to implement the solemn judgement and order dated 04.11.2016 passed by the Hon'ble Chairman Amit Talukder and Samar Ghosh, Member (A) in OA No. 911 of 2015 (In Re : Budhan Besra Vs. The State of West Bengal & Ors) within a specific period in respect of giving appointment/employment on compassionate ground of die-in-harness case in Group-D post in terms of Labour</p>	

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<p style="text-align: center;">02 ----- 15.02.2019</p> <p>Page /2</p>	<p>Department's circulars in favour of petitioner;</p> <p>2. To pass an order directing the Respondent authorities, particularly the Respondent No. 2 to expedite the process of appointment/employment on compassionate ground of die-in-harness case in Group-D post in favour of the petitioner, in view of the Memo No. 3039-CIE/6P-329/09 dated 14.05.2018 issued by the respondent No. 2 intimating the respondent No. 1 about the prayer for employment on compassionate ground of die-in-harness case in Group-D post in favour of the petitioner.</p> <p>3. To pass an order directing the Respondent authority t</p>	

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<p style="text-align: center;">02</p> <hr/> <p>15.02.2019</p> <p style="text-align: left; margin-top: 100px;">P/4</p>	<p style="text-align: center;">As per the applicant, after the death of the father of the applicant, he made an application for compassionate appointment; however no action was taken in this respect. Being aggrieved he had approached this Tribunal in OA-411 of 2015 which was disposed of on 04.11.2016 with the following directions :-</p> <p style="text-align: center;">“We have heard learned counsel for the applicant. In spite of service of notice, no one appears on behalf of the State. This matter is pending for quite some time. It is felt that the same should now be disposed of with a direction upon the Deputy Secretary, Irrigation & Waterways Directorate to take a decision in respect of the prayer for compassionate appointment of the applicant which is pending before the Government within a period of 6 (six) weeks from the date of communication of this order.</p>	

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<p style="text-align: center;">02 15.02.2019</p> <p style="text-align: left;">P/5</p>	<p style="text-align: center;">Before this decision is taken is taken, the applicant should be given an opportunity of hearing and the decision will have to be communicated to the applicant soon thereafter.</p> <p style="text-align: center;">The application is accordingly disposed of.</p> <p style="text-align: center;">Thereafter, the applicant communicated the said order on 06.12.2016 to the Deputy Secretary, Irrigation & Waterways Department but no compliance has been made. Since no action was taken up by way of complying the order dated 04.11.2016 the applicant again made representation before the authority and the Director of Personnel & Ex-Officio Chief Engineer, Irrigation & Waterways Dte. Vide their communication dated 14.05.2018 to the Secretary, Irrigation & Waterways Deptt. had sent all supporting documents including proforma application for decision with regard to the compassionate</p>	

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<p>02</p> <hr/> <p>15.02.2019</p> <p>P/6</p>	<p>appointment. However, even then no action was taken by the authority. Being aggrieved the applicant has filed this instant application.</p> <p style="text-align: center;">Affidavit of service is filed. Let it be kept with the record. Despite service, none appeared for the respondents.</p> <p style="text-align: center;">Learned counsel for the applicant has prayed for leave to make necessary correction in the application. Prayer is allowed.</p> <p style="text-align: center;">However, the counsel for the applicant has submitted that it would suffice his purpose if the authority would be directed to implement the earlier order passed by this Tribunal on 04.11.2016 after considering the case of the applicant as reflected in communication dated 14.05.2018 within a stipulated period of time.</p> <p style="text-align: center;">Heard the counsel for the</p>	

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