

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Present-**

The Hon'ble Mrs. Urmita Datta (Sen), Member (J) &  
The Hon'ble Dr. Subesh Kumar Das, Member (A).

OA-687 of 2019

Ali Ajam Khan 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
<u>07</u> 01.10.2020	<p>For the petitioner : Mr. M.N. Roy, Learned Advocate.</p> <p>For the respondent : Mrs. S. Agarwal, Learned Advocate.</p> <p>For the Kolkata Police : Mr. S. Ghosh, Learned Advocate.</p> <p>The matter was heard on 05.03.2020 by the Bench comprising of Mrs. Urmita Datta (Sen), Member (J) and Mr. P. Ramesh Kumar, Member (A) in the open Court by dictating order. Though the order was signed by the Member (J), however, as in the meantime, Mr. P. Ramesh Kumar has resigned from service and the pandemic situation had started therefore, the said order could not be signed by the Administrative Member. Since the matter was dictated in open Court, this Bench now pass the same order in presence of both the parties. The same order is quoted below :-</p> <p style="text-align: center;">“The instant application has been filed praying for following relief :-</p> <p>The instant application has been filed praying for a direction to the authority to issue appointment letter in favour of the applicant on compassionate ground. It has</p>	

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<p style="text-align: center;">08</p> <hr/> <p style="text-align: center;">01.10.2020</p> <p>Page /2</p>	<p>been submitted by the applicant that vide Memo No. 3898 dated 26.02.2019 (Annexure-C) , the Commissioner of Police, Kolkata informed the applicant that a file comprising the copies of i) Death Certificate of Sahanoyaj Khan, ii) Age proof cum educational qualification. lii) Fit certificate in respect of your candidature iv) Enquiry report and v) duly filled in prescribed format, has already been to the Additional Chief Secretary, Health &amp; Family Affairs Department vide office Memo No. 22873-Estt. Dated 30.11.2018. As per the applicant, he was find fit by the authority and MIC has approved the appointment of the applicant, however, as there was no vacancy in the Police Department, his case was forwarded to the Health &amp; Family Welfare Department. However, till date no appointment letter has been received in favour of the applicant. Being aggrieved he has filed this instant application.</p> <p style="text-align: center;">During the course of hearing, the counsel for the Health &amp; Family Welfare Department has drawn our attention to Memo No. HPA/Home-84/2018/A420 dated 28.01.2020 issued by the Addl. Director (Personnel) Directorate of Health Services &amp; Ex-Officio Special</p>	

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<p style="text-align: center;">08 01.10.20</p> <p style="text-align: left;">Page /3</p>	<p>Secretary, H &amp; F W Deptt. Govt. of West Bengal to the OSD &amp; E.O. Jt. Secretary, Home &amp; Hill Affairs Deptt. Police Establishment Branch, Nabanna, Howrah, by which he has asked for furnishing all the requisite documents in connection with the appointment of the applicant. As per the counsel for Health &amp; Family Welfare Deptt.. since they had waiting for some documents from Home &amp; Hill Affairs Deptt., they are not in a position to issue appointment letter in favour of the applicant. However, the counsel for the Home &amp; Hill Affairs Deptt. has submitted that they had already sent all the documents and thereafter only MIC has given her approval in the instant case, therefore, they have role for issuance of the appointment letter.</p> <p style="padding-left: 40px;">a) Let both the letters be kept with the record. It is noted that the case of the applicant has got approved from the highest level i.e. MIC and Hon'ble Chief Minister of Home Deptt who also the MIC of the Health &amp; Family Welfare Deptt. Therefore, it is clear that all the documents would be available. Thus, if any more document is needed, which was not</p>	

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