

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

The Hon'ble Urmita Datta (Sen) Member (J) & OA-705 of 2018  
 The Hon'ble Mr. P. Ramesh Kumar, Member (A).

Tarak Nath Bauri 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>06</u> 01.03.2019</p>	<p>For the petitioner : Mrs. Sonali Mitra, Learned Advocate.</p> <p>For the respondent : Mrs. S. Agarwal, Learned Advocate.</p> <p>The instant application has been filed praying for direction upon the respondents to appoint the applicant on compassionate ground. As per the applicant, he had applied for compassionate appointment after the death of his father. After detailed proceedings his name was approved by the MIC, P.W. Department (Roads) vide memo dated 20.01.2009 (Annexure-D) wherein his name has been reflected at Sl. No. 32 but chronologically 5 of the said list and also in the said memo it has been made clear to appoint the candidate in the post of Group-D against the reserved post for exempted category. However, since then he did not receive any appointment letter. However, suddenly the Joint Secretary, P.W.D. Deptt. has started a claim for some documents again for resubmitting of the proforma application, calculation sheet to the deptt. for processing of the compassionate appointment but as per the</p>	

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<p style="text-align: center;">06 01.03.2019</p>	<p>counsel for the applicant the said procedures had already been completed and approved by the then MIC, P.W.D. Being aggrieved, he has filed this instant application.</p> <p style="text-align: center;">As per the applicant since his case was already approved by the then MIC, PWD, i.e. the highest authority of the department, therefore, there is no question of inviting any documents except to issue appointment letter in favour of the applicant as per the terms and conditions of that memo.</p> <p style="text-align: center;">The respondents have filed their reply.</p> <p style="text-align: center;">During the course of hearing, counsel for the respondent has also raised the question of maintainability of the application on the ground of limitation. However, as per the counsel for the applicant since his case was approved in the year 2009 and in the meantime they have started de novo processing in the year 2018. So, there is no question of</p>	

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<p style="text-align: center;">06 01.03.2019</p> <p style="text-align: center;">sc</p>	<p>that how the applicant has received the document which has no relevancy. Therefore, the contention of the respondents is not acceptable to us. The case of the applicant has already been approved. In our considered view, there is no question of reverification of documents of the applicant for the purpose of issuing appointment in the post of Group-D under die in harness category. Therefore, respondents are directed to issue appointment letter in favour of the applicant immediately in the available vacancy and communicate the same within 12 weeks from the date of receipt of this order. The application is disposed of accordingly with no order as to costs.</p> <p style="text-align: center;"><b>P. RAMESH KUMAR</b> MEMBER (A)</p> <p style="text-align: center;"><b>URMITA DATTA (SEN)</b> MEMBER (J)</p>	

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