

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

The Hon'ble Mrs. Urmita Datta (Sen), Member (J) &  
The Hon'ble P. Ramesh Kumar, Member (A).

OA- 86 of 2020

**Kailash Routh** 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>01</u> 11.02.2020</p>	<p>For the petitioner : Mr. H. Ghosh, Learned Advocate.</p> <p>For the respondent : None.</p> <p>.</p> <p>The instant application has been filed praying for following relief :-</p> <p>a) An order directing the respondent authorities concerned to forthwith rescind/cancel and/or withdraw the Memo, being No. HPA/G-384/2012/A- 5777 dated September 16, 2014 issued by the Director of Health Services, West Bengal in favour of the Chief Medical Officer of Health, Nadia, by which the prayer for compassionate appointment of the applicant in place and in stead of his deceased father has been rejected.</p> <p>b) Issue a letter of appointment in favour of the applicant without any delay whatsoever.</p> <p>c) An order directing the respondent</p>	

**ORDER SHEET**

Form No.

Kailash Routh

Vs.

The State of West Bengal & Ors... .

Case No. OA- 86 of 2020

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;">01 11.02.2020</p>	<p>authorities concerned to forthwith constitute an inquiry committee and furnish a report in respect of giving an employment on compassionate ground under the died-in-harness category in place and in stead of his deceased father.</p> <p>d) Consider and dispose of the representation of the applicant dated January 10, 2019 in accordance with law.</p> <p>During the course of hearing, it is noted that the applicant had approached this Tribunal on the self same ground on earlier occasion in OA-1035 of 2017 which was dismissed by the order dated 07.09.2018 in presence of the counsel for the applicant holding inter alia :-</p> <p style="text-align: center;"><i>“Heard the parties. Perused the record.</i></p> <p style="text-align: center;"><i>It is noted that as per the respondent they had already rejected the claim of the applicant in the year 2014. However, the application has been filed in the year 2017 only and the letter dated 16.07.2016 as referred by the applicant as a</i></p>	

**ORDER SHEET**

Form No.

**Kailash Routh****Vs.****The State of West Bengal & Ors... .**

Case No. OA- 86 of 2020

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;">01</p> <hr/> <p>11.02.2020</p> <p style="text-align: left; margin-top: 200px;">SC</p>	<p style="text-align: center;"><i>representation has no receipt on it. Further, the applicant has also no application for condonation of delay. Therefore, it is apparent on the face of record that the instant application has been filed after a long time and without any application for condonation of delay. Accordingly, the OA is dismissed being barred by limitation. “</i></p> <p style="text-align: center;">However, on the self same cause of action, the applicant has filed this application on the self same ground. Therefore, as the same order was already considered and was rejected in the presence of the both parties, this OA is not entertainable being barred by resjudicata. Accordingly, OA is dismissed with no order as to costs.</p> <p style="text-align: center;"><b>P. RAMESH KUMAR</b> <b>MEMBER (A)</b></p> <p style="text-align: center;"><b>URMITA DATTA (SEN)</b> <b>MEMBER (J)</b></p>	

**ORDER SHEET**

Form No.

**Kailash Routh****Vs.****The State of West Bengal & Ors... .**

Case No. OA- 86 of 2020

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
Page /3  04 <hr/> 04.02.2020		

**ORDER SHEET**

Form No.

**Kailash Routh****Vs.****The State of West Bengal & Ors... .**

Case No. OA- 86 of 2020

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
sc  P/4  02 <hr/> 15.02.2019		



