

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-****The Hon'ble Justice Soumitra Pal, Chairman.****The Hon'ble Mr. P. Ramesh Kumar, Member (A).****Case No –OA- 923 of 2018.****Arghadeep Roy. Vs The State of West Bengal & 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;">2</p> <hr/> <p>27/03/2019</p>	<p>For the Applicant : Mr. K.K. Chakraborty, Mr. A. Halder, Mrs. Sunita Agarwal, Advocates.</p> <p>For the State Respondents: Mrs. Mousumi Mullick, Advocate.</p> <p>As prayed for on behalf of the applicant, leave is granted to amend the cause-title relating to respondent no.1. In this application Arghadeep Roy, the applicant, has prayed for certain reliefs, the relevant portion of which is as under:</p> <p style="text-align: center;"><i>“a) An order do issue the impugned and malafide rejection order vide Memo No.HPA/G-85/2015/A 213 dated 15.1.2016 passed the respondent No.2 i.e. Director of Health Service is liable to be set aside and/or quashed.</i></p> <p style="text-align: center;"><i>b) An order do issue directing the respondents and/or their servants and/or their agents and/or their men to appointment on compassionate ground in favour of the applicant</i></p>	

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	<p style="text-align: center;"><i>and/or deceased son.”</i></p> <p>It appears that Arghadeep Roy is the son of late Babul Chandra Roy, Ex- LDC in the office of Assistant Chief Medical Officer of Health, Chanchal in the district of Malda. The father of the applicant had expired on 8th January, 2011 while in service leaving behind his wife, daughter and son, the applicant. It appears that within six months from the death of his father the mother of the applicant had filed an application for compassionate appointment. At the time of death of his father the applicant was a minor. The applicant had passed Madhyamik Examination in the year 2013 and Higher Secondary Examination in 2015. He had passed technical diploma course. It appears that the applicant made an application on 15th November, 2014 before the Chief Medical Officer of Health, Malda praying for compassionate appointment. Thereafter, representation was made on 24th February, 2015 before the Chief Medical Officer of Health, Malda. However, the same was rejected by an order contained in the memo dated 15th January, 2016 which is as under;</p> <p style="text-align: center;"><i>“The prayer of the applicant has been carefully examined and found that the</i></p>	

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	<p><i>ex-employee died-in-harness on 08.01.2011. At the time of death of the ex-employee, the applicant was minor (His D.O.B. is 13.11.1996).</i></p> <p><i>As per relevant Labour Department's Notification the applicant shall invariably attain the minimum age for recruitment within six months from the date of death of the concerned employee. This criterion is not fulfilled in this instant case.</i></p> <p><i>Thus the undersigned regrets to inform that the prayer of the applicant has been rejected by the competent authority."</i></p> <p>Thereafter the applicant had filed another application on 29th June, 2016 before the Director of Health Services, West Bengal, respondent no.2 praying for compassionate appointment as per the relevant Labour Department's notification. It is submitted by Mr. K. Chakraborty, learned advocate appearing on behalf of the applicant that during</p>	

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	<p>the pendency of this application, the Additional Director of Health Services (Personnel), West Bengal has sent a memo dated 18th January, 2019 requesting the applicant to fulfil certain formalities regarding his employment on compassionate ground. Pursuant to the said memo dated 18th January, 2019 the applicant has submitted on 19th March, 2019 the relevant documents, as sought for, along with a letter dated 11th March, 2019. Let copies of the memo dated 18th January, 2019 and the letter dated 11th March, 2019 be kept on record. Submission is that since the respondent authorities are considering the matter, the respondent authorities may be directed to pass an order at the earliest.</p> <p>Mrs. M. Mullick, learned advocate appearing on behalf of the State respondents submits that since it appears that the respondent authorities are considering the matter as evident from the memo dated 18th February, 2019 and applicant on 13th March, 2019 has submitted necessary documents, if directed, the respondent authorities will consider the matter.</p> <p>Having heard Mr. Chakraborty and Mrs. Mullick and considering the facts and circumstances of the case, since we find that</p>	

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GM	<p>pursuant to the memo dated 18th January, 2019 issued by the Additional Director of Health Services (Personnel), West Bengal, the applicant on 13th March, 2019 has submitted certain documents along with the letter dated 11th March, 2019, considering such facts the application is disposed of by directing the Additional Chief Secretary, Health & Family Welfare Department, respondent no.1 to dispose of the matter regarding grant of employment on compassionate ground to Arghadeep Roy, - the applicant, by passing a reasoned order to be communicated to the parties within twelve weeks from the date of presentation of the copy of this order, if not already passed.</p> <p style="text-align: center;">P. RAMESH KUMAR MEMBER(A)</p> <p style="text-align: center;">SOUMITRA PAL CHAIRMAN</p>	