

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

The Hon'ble Justice Ranjit Kumar Bag
& The Hon'ble Subesh Kumar Das

Case No OA- 1256 OF 2012

Archana Dey & Anr. Vs. 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 style="text-align: center;"><u>20</u> 16.04.18</p>	<p>For the Applicants : Mrs. S. Mitra, Learned Advocate.</p> <p>For the Respondents : Mrs. S. Mukherjee, Learned Advocate.</p> <p>For the Respondent No. 2 : Mr. S. Bhattacharyya, Mrs. R. Sarkar, Departmental Representatives, Land and Land Reforms Department</p> <p>Copy of letter dated July 30, 2012 addressed to the Respondent No. 4 by the Joint Secretary, Department of Land and Land Reforms, Government of West Bengal is produced on behalf of the State Respondents and the same is kept on record.</p> <p>The applicant has prayed for direction upon the respondents to give appointment to the applicant on compassionate ground after setting aside letter dated September 3, 2012 issued by the Respondent No. 4 by which the said respondent has communicated to the applicant about the fact of rejection of prayer for</p>	

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Form No.

Vs.**THE STATE OF WEST BENGAL & ORS.**
.....Case No. **OA -1256 OF 2012**

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	<p>compassionate appointment.</p> <p>It appears from the materials on record that one Ramkrishna Dey, Upper Division Clerk died on January 24, 1999 while he was in service. Ramkrishna Dey died leaving behind his wife - the applicant no. 1, three daughters and minor son - the applicant no. 2 as legal heirs. On February 17, 1999, the applicant no. 1 submitted application for compassionate appointment which was processed, but ultimately on December 7, 2011, the said applicant no. 1 submitted another application for compassionate appointment of her son - the applicant no. 2. The said application was forwarded by the Respondent No. 4 to the Respondent No. 3 on May 23, 2012. On July 30, 2012, the Joint Secretary to the Government of West Bengal, Department of Land and Land Reforms has communication to the Respondent No. 4 about the fact of rejection of prayer of the applicant for compassionate appointment. The said fact of rejection of prayer for compassionate appointment was ultimately communicated to the applicant by the Respondent No. 4 on September 3, 2012, which is under challenge in the present application.</p>	

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	<p>Having heard Learned Counsel representing the respective parties and the authorized representative of the Department of Land and Land Reforms, we find that the grounds for rejection of prayer of the applicant for compassionate appointment were not disclosed by the State Respondents either in the letter dated July 30, 2012 or in the letter dated September 3, 2012. Since the reasons for rejection of prayer of the applicant for compassionate appointment have not been communicated to the applicant and since there is nothing on record to indicate why the prayer of the applicant for compassionate appointment was rejected, we are inclined to set aside letter dated September 3, 2012 issued by the Respondent No. 4 in favour of the applicant.</p> <p>Under the above circumstances, the letter dated September 3, 2012 is set aside. The Respondent No. 2, Department of Land and Land Reforms and Refugee Relief and Rehabilitation and Land Reforms Commissioner is directed to consider afresh the prayer of the applicant for compassionate appointment by passing a reasoned order on the basis of materials already available on record within a period of 12 weeks</p>	

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Rajib	<p>from the date of communication of the order and to communicate the result of the same to the applicant no. 2 within a period of 2 weeks thereafter.</p> <p>With the above direction, the original application is disposed of.</p> <p>Let a plain copy of the order be supplied to all the parties.</p> <p>(S.K.Das) MEMBER(A)</p> <p>(R.K.Bag) MEMBER (J)</p>	

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