

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

The Hon'ble Mrs. Urmita Datta (Sen), Member (J)

The Hon'ble Mr. P. Ramesh Kumar, Member (A)

Case No – OA-1538 of 2013.Projjwal Kumar Midya. 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;">20</p> <p style="text-align: center;">-----</p> <p style="text-align: center;">28-01-2019</p>	<p>For the Applicant : Sk. R. Alam, Mr. R. K. Sain, Mr. P. Guria, Advocates.</p> <p>For the State Respondents : Mr. S. N. Roy, Advocate.</p> <p>The instant application has been filed praying for a direction upon the respondent to provide him compassionate appointment. According to the applicant his father died on 23-05-2006. Thereafter, the applicant's mother made an application before the authority for compassionate appointment in favour of her son on 19-08-2006 followed by the applicant's prayer for another application on 28-02-2007 for compassionate appointment. Subsequently the respondent authority had considered the case of the applicant and the applicant was even sent for police verification after conducting medical examination vide letter dated 16-07-2010. However according to the applicant till</p>	

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	<p>date no decision has been communicated to him in this regard. The Counsel for the applicant ha fairly submitted that he has been implicated with 2(two) criminal cases being No. 639/2007 dated 23-12-2007 and 75/2008 dated 08-08-2008 which is still pending. However according to the applicant since he has not been found guilty in the criminal case they should consider the case. The Counsel for the respondent has strongly oppose the contention of the applicant and he has submitted that unless and until the criminal case comes to an end in favour of the applicant, the respondent is not in a position to take final decision with regard to the compassionate appointment of the applicant. Therefore this Court should not interfere at this stage.</p> <p>We have heard both the parties and perused the records. It is an admitted fact that the applicant has been implicated in 2(two) criminal cases, which is still pending at the time of police verification and even today. Therefore we do not find any wrong regarding</p>	

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Mihir	<p>the decision of the department with regard to the compassionate appointment of the applicant. Therefore we do not find any reason to interfere with the action of the respondent at this stage.</p> <p>Accordingly, the OA is dismissed with the above observations with no order as to cost.</p> <p><b>P. RAMESH KUMAR MEMBER(A)</b>                      <b>URMITA DATTA (SEN) MEMBER(J)</b></p>	