

**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-166 of 2019.**Indrani Chatterjee 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>02</p> <p>-----</p> <p>26-03-2019</p>	<p>For the Applicant : Mrs. M. Kanrar, Advocate.</p> <p>For the State Respondents : Mr. S. N. Roy, Advocate</p> <p>Affidavit of service has been filed be kept on record.</p> <p>The instant application has been filed praying for a direction upon the respondent authority to issue appointment letter as per the direction of the Assistant Secretary to the Govt. of West Bengal vide order dated 01-12-2014 (Annexure-C). As per the applicant, her case was approved by the MIC, Excise Department which had been already communicated vide letter dated 01-12-2014 (Annexure-C) and subsequently on 31-12-2014, the Excise Commissioner, Govt. of West Bengal had instructed the Superintendent of Excise and Joint Commissioner of Excise, Purulia to</p>	

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	<p>appoint her after completing necessary formalities. However no action was taken up but thereafter only vide letter dated 18-12-2017 Superintendent of Excise, Purulia (Annexure-D) had directed the applicant to submit the certain documents, which the applicant had already submitted however till date no appointment letter was issued to her. Being aggrieved with, she has filed the instant application.</p> <p>The Counsel for the respondent has submitted that her application for compassionate appointment is under process.</p> <p>We have heard the parties and perused the records. It is noted that vide letter dated 01-12-2014, the Assistant Secretary to the Govt. of West Bengal communicated to the Excise Commissioner by directing inter alia :-</p> <p>“The undersigned is directed to say that Govt. in the Excise Department, after careful consideration of the matter, has approved the appointment of Smt. Indrani Chatterjee D/o</p>	

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	<p>Late Dibyendu Sekhar Chatterjee, Ex-Excise Constable, Purulia in the post of Group-D against the vacancy available in any Circle, Range or District offices under exempted categories in terms of Labour Department's Notification No. 251-EMP dated 03-12-2013 read with Finance Department's Memo No. 1773-F dated 01-03-2006.</p> <p>Excise Commissioner, West Bengal may take necessary action in this regard.</p> <p>Before issue of appointment order verification of other eligibility criteria and physical fitness should be checked as usual.</p> <p>This order issues with the approval of Hon'ble M.I.C., Excise Department.”</p> <p>Subsequently the Excise Commissioner, Govt. of West Bengal vide his letter dated 31-12-2014 to the Superintendent of Excise and Joint Commissioner of Excise had directed inter alia :-</p> <p>“The Government in the Excise Department, West Bengal has approved the appointment of Smt. Indrani Chatterjee, S/o Late Dibyendu Sekhar Chatterjee, Ex-Excise</p>	

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	<p>constable, Purulia in the post of Group “D” in the district against the vacancies in the exempted category in the organisation vide G.O. No. 1036-Ex dated 01-12-2014 (copy enclosed). You are requested to take immediate step for filling up the vacant post of Group “D” in your district by the said candidate who has been selected for appointment on compassionate ground.</p> <p>You are also requested to maintain all necessary formalities relating to recruitment to the post of Group “D”. ”</p> <p>Even then the respondent after lapse of long time on 18-12-2017, the Superintendent of Excise, Purulia had directed the applicant to submit certain documents but had not issued any appointment letter till date. Though as per the applicant, she has submitted all the require documents before the authority.</p> <p>In view of the above, we are constrain to hold that there is a clear delay and latches on the part of the respondent to issue appointment</p>	

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Mihir	<p>letter in favour of the applicant as he was found fit and his case has already been approved by the MIC. Subsequently the Excise Commissioner had also instructed to issue appointment letter in favour of the applicant. In the above facts and circumstances, we direct the respondent no. 3 i.e. Superintendent of Excise, Purulia to take appropriate steps for implementation of their own order dated 01-12-2014 and 31-12-2014 and issue appointment letter if she would be found otherwise fit in view of aforesaid letter of higher authority within a period of 6(six) weeks from the date of receipt of this order.</p> <p>Accordingly, the OA is disposed of with no order as to cost.</p> <p><b>P. RAMESH KUMAR</b> <b>MEMBER(A)</b></p> <p><b>URMITA DATTA (SEN)</b> <b>MEMBER(J)</b></p>	

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