

**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-17 of 2018.Sk. Hakimuddin & 32 Others 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
04 ----- 27-08-2018	<p>For the Applicant : Mr. Gourav Halder, Advocate.</p> <p>For the State Respondents : Mr. Manujendra Narayan Roy, Advocate.</p> <p>The instant application has been filed by 37 applicants merely praying for a direction to the concern respondent authorities to provide appointment on compassionate ground as land looser. Though no details have been provided in the averments, however the applicants have enclosed their Identity Card as well as documents showing that their name have been empanelled under exempted category(land looser) by the concerned District Magistrate. However they have referred following judgements :</p> <p>(1) O.A. 14 of 1998 (dated 02-09-2009) A. C. Roy &amp; Others -Vs.- The State of West Bengal &amp; Others</p>	

**ORDER SHEET**

Sk. Hakimuddin &amp; 32 Others .

Form No. ....

**Vs.****The State of West Bengal & Others.**Case No. OA-17 of 2018

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>(2) O.A. – 969 of 2012(dated 13-12-2012) Tarapada Roy &amp; 28 Others -Vs.- The State of West Bengal &amp; Others</p> <p>(3) O.A. – 376 of 2014(dated 29-08-2017) Srinanda Baishnab &amp; 22 Others -Vs.- The State of West Bengal &amp; Others</p> <p>and has prayed for extension of benefit of those judgements being similarly circumstance as land looser.</p> <p>Though the respondents have not filed their reply. However, the Counsel for the respondents have submitted that the applicants are not entitled to get any compassionate appointment under direct recruitment. As per 301-EMP/2000, 302-EMP/2000 and 303-EMP/2002, the applicants name was empanelled under exempted category, however they will be considered as per the respective notification issued for the exempted category vacancies. The Counsel for the</p>	

**ORDER SHEET**

Sk. Hakimuddin &amp; 32 Others .

Form No. ....

**Vs.****The State of West Bengal & Others.**Case No. OA-17 of 2018

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>respondents has further submitted that the Hon'ble High Court while setting aside and quashing the judgement dated 29-08-2017 passed in O.A. 376 of 2014, has also observed that any belated lodged claim after introduction of new scheme by virtue of Notification Nos. 301-EMP/2000, 302-EMP/2000 and 303-EMP/2002 dated 21-08-2002 could not be entertained under direct recruitment vacancies. Therefore, the applicants did not have any right to be considered for appointment under directly by the department on compassionate ground rather they may apply against the notification which would be issued as per 100% roster under exempted category. Therefore the Counsel for the respondents has prayed for dismissal of the O.A.</p> <p>We have heard both parties and perused the record. It is noted that the order dated 29-08-2017 passed in O.A. – 376 of 2014(Srinanda Baishnab &amp; 22 Others), the State Respondents approached the Hon'ble High Court in W.P.S.T. No. 151 of 2017, which was disposed of vide judgement dated 16-07-2018. On the perusal of the aforesaid judgement, it is observed that the Hon'ble High Court had</p>	

**ORDER SHEET**

Sk. Hakimuddin &amp; 32 Others .

Form No. ....

**Vs.****The State of West Bengal & Others.**Case No. OA-17 of 2018

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>already considered the Judgement passed in the case of Tarapada Roy &amp; Others and A. C. Roy &amp; Ors. supra, wherein, it is also observed that after introduction of a new scheme by virtue of Notification Nos. 301-EMP/2000, 302-EMP/2000 and 303-EMP/2002 dated 21-08-2002 could not be entertained. As according to the above notification candidates hailing from families who might have been uprooted from their places of residence due to acquisition of home stead land by the government, whose main source of income was substantially affected due to loss of agricultural land. As a result of the land in question being acquired by the government for public purpose would be eligible for consideration against vacancies reserved for the exempted category. The above mention notifications were given over riding effect to all previous scheme on notifications. Therefore they are not entitled for employment directly under the land losers category on compassionate ground, rather they may apply against the vacancies under exempted category whenever any notification in this regard would be issued. Therefore in our considered view, the applicants have no cause of action at present since their name have already</p>	

**ORDER SHEET**

Sk. Hakimuddin & 32 Others .

Form No. ....

**Vs.**

**The State of West Bengal & Others.**

Case No. OA-17 of 2018

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
Mihir	<p>been empanelled as per the aforesaid scheme.</p> <p>Accordingly the O.A. is dismissed with the above observation 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>	