

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-201 of 2019.**Bharati Majhi 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>05</p> <p>-----</p> <p>18-09-2019</p>	<p>For the Applicant : Mr.S. K. Mitra, Advocate.</p> <p>For the State Respondent : Mr. A. De, Mrs. R. Sarkar, Nos. 1, 2 & 3 Departmental Representatives.</p> <p>For the Respondent : Mr. M. N. Roy, No. 4 Advocate.</p> <p>Affidavit of service has been filed be kept on record.</p> <p>The instant application has been filed challenging the rejection order dated 24-10-2017, whereby she has been declared unsuitable for employment for the post of Group-D. As per the Counsel for the applicant, she had prayed for compassionate appointment and her case was recommended by the concerned authority being found otherwise fit for compassionate appointment in Group-D post subject to be found fit in Medical Test as well as Police Verification Roll.</p>	

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	<p>Today M. N. Roy, Learned Counsel has appeared on behalf of the Intelligence Branch, West Bengal as respondent no. 4 and has placed the file as well as submitted that the I.B. did not found any adverse information against the applicant, which they had already communicated to the government. However they were informed by the government that the applicant was not found suitable. Therefore the respondent no. 4 is not in a position to say anything on which ground the applicant was not found suitable.</p> <p>The Departmental Representative of the respondent no. 1, 2 & 3 has submitted that they have already recommended her case being found suitable as per rules and scheme. However they have no knowledge about the reason for not found her suitable.</p> <p>The Counsel for the applicant has submitted that she has been found fit in Medical Test as well as no adverse information</p>	

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	<p>has been communicated to her with regard to her integrity. Therefore there is no reason to found her unsuitable for her compassionate appointment.</p> <p>Heard the parties and perused the file placed before us. Though apparently we do not find any reasons for the decision of the government to find her unsuitable for the said post, however, it is noted that the government has repeatedly rejected her claim on the ground of finding her unsuitable but no reasons has been assigned in this regard. It is noted that Home & Hill Affairs Department has been made party who had found the applicant unsuitable.</p> <p>However none appear for the Home & Hill Affairs Department and no reply has been filed. Therefore the respondent no. 5 is directed to provide information for such findings of 'unsuitable' with regard to the applicant, may be in a sealed cover by the next date as a last chance. Since nobody is appearing for Home &</p>	

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Mihir	<p>Hill Affairs Department Mr. G. P. Banerjee, Learned Counsel is requested to take appropriate instruction and to file reply or to submit information under sealed cover. Since he is in-charge of panel Government Counsel before this Tribunal. Learned L. R. is also requested to take appropriate steps with regard to appointment of Mr. Banerjee.</p> <p>Let the matter be listed on 16-12-2019 under the same heading.</p> <p>P. RAMESH KUMAR MEMBER(A)</p> <p>URMITA DATTA (SEN) MEMBER(J)</p>	