

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-237 of 2016.Pampa Rani Saha (Roy). 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
10 ----- 10-10-2018	<p>For the Applicant : Mrs. S. Mitra, Advocate.</p> <p>For the State Respondents : Mr. S. K. Mondal, Advocate.</p> <p>The instant application has been filed praying for the following reliefs :-</p> <p><b>(a) An order be passed upon the respondent authorities to withdraw, cancel, quash and/or set aside the impugned reasoned order dated 21-09-2015 issued by the Director of health Service, West Bengal which was communicated to the applicant vide Memo being No. HPA/LA/115/2014/365-P dated 22-09-2015 issued by the Director of Health Services, West Bengal;</b></p> <p><b>(b) An order be passed upon the respondent authorities to issue</b></p>	

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	<p><b>appointment letter in favour of the applicant under compassionate ground in a suitable post commensurate with qualification on the basis of the application so made by the applicant and to release salaries and allowances month by month;</b></p> <p><b>(c) Pass such other or further order or orders as to Your Lordships may deem fit and proper.</b></p> <p>As per the applicant her husband died on 7<sup>th</sup> March, 2011 suffering with cancer and leaving behind his wife and one 11(eleven) years son. Thereafter the applicant made an application in plain paper before the authority. However her case was not considered on the ground of not filing of proforma application within a stipulated period of time. Being aggrieved with, she had filed one application in OA-445 of 2015 and this Tribunal vide their order dated 07-08-2015 had made it clear that the plain paper submission of the application</p>	

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	<p>which was within the stipulated period of time has to be taken into account as a proforma application and also setting aside the order of the respondents and had directed the Director of Health Services to complete the process of compassionate appointment on the basis of the findings of the Tribunal within a stipulated period of time. In pursuance to the said order the Director of Health Services passed one reasoned order dated 21-09-2015, wherein he has clearly recommended the case of the applicant. However, he sent it to the higher authority but till date no decision has been communicated to her in this regard. It is noted that the case of the applicant referred favourably by the Director of Health Services. Being aggrieved with she has filed the instant application.</p> <p>Though the respondents were granted enough opportunity to file their reply even on 26-07-2018, the respondents were directed to take instruction with regard to the present status of the case but the Counsel for the</p>	

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Mihir	<p>respondents is not able to get any instruction from his client in this regard. Since it is the case of compassionate appointment and the concern person died in the year 2011, therefore we direct the respondent no. 1 i.e. Additional Chief Secretary, Health and Family Welfare Department, Govt. of West Bengal to consider the case of the applicant as per the recommendation of the Director of Health Services as stated in the reasoned order dated 21-09-2015 and to pass a reasoned and speaking order as per rules within 3(three) months from the date of communication of this order.</p> <p>Accordingly, the OA is disposed of with no order as to cost.</p> <p style="text-align: center;"><b>P. RAMESH KUMAR</b> <b>MEMBER(A)</b></p> <p style="text-align: center;"><b>URMITA DATTA (SEN)</b> <b>MEMBER(J)</b></p>	

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