

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

The Hon'ble Justice Ranjit Kumar Bag
& The Hon'ble Subesh Kumar Das

Case No – OA 36 OF 2018

ASHIM ROY CHOWDHURY Vs The State Of West Bengal & Ors.

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>1</p> <hr/> <p>14.03.2018</p>	<p>For the Applicant : Mrs. Sunita Agarwal Learned Advocate</p> <p>For the Respondent: Mr. Biswa Priya Ray Learned Advocate</p> <p>The applicant has filed the original application under Section 19 of the Administrative Tribunals Act, 1985, challenging order communicated under letter dated June 24, 2015, issued by the Deputy Secretary, Department of Forests, Government of West Bengal as illegal and arbitrary and praying for direction upon the respondents to consider the representations submitted by the applicant in connection with his compassionate appointment.</p> <p>The contention of the applicant is that one Mahendra Ray Chowdhury died on November 17, 2011 while he was working as Deputy Ranger / Forester under Gorumara Wildlife Division in the Forest Department, Government of West Bengal. The applicant, being the son and dependant of the deceased employee, submitted informal application for compassionate appointment on December 28, 2011 and application in prescribed format</p>	

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	<p>subsequently. The case of the applicant was considered by the Divisional Forest Officer, Wildlife Division, II, Jalpaiguri and forwarded the same to the Principal Chief Conservator of Forests on February 14, 2013. Similarly, the Additional Principal Chief Conservator of Forests, Human Resources Development, Government of West Bengal forwarded the case of the applicant to the Principal Secretary, Department of Forests, Government of West Bengal on September 11, 2014. However, the Department of Forests, Government of West Bengal communicated its inability to give appointment to the applicant on compassionate ground due to long delay in submitting the application and the said decision was communicated to the Principal Chief Conservator of Forests (General), Government of West Bengal by the Deputy Secretary, Department of Forests, Government of West Bengal on June 24, 2015 which is under challenge in the present application. It is relevant to point out that the applicant has submitted representations for reconsideration of the case of the applicant subsequent to rejection of prayer of the applicant for compassionate appointment.</p> <p>Having heard the Learned Counsel representing both parties and on consideration of the materials on</p>	

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	<p>record, we find that the applicant submitted informal application before the Divisional Forest Officer, Wildlife Division II, Jalpaiguri on December 28, 2011 though the application in the prescribed format was submitted subsequently. Since the informal application was submitted by the applicant within a period of one month and eleven days from the date of death of his father, we do not find any justification in rejecting the prayer of the applicant for compassionate appointment on the ground of delay. The formal application in the prescribed format, even if submitted after the time limit, the said delay cannot be attributed to the conduct of the applicant, particularly when the applicant was allowed to participate in the enquiry of Three-Men Committee on July 8, 2012. The contents of the order communicated under letter dated June 24, 2015 (Annexure P-7 to the original application) do not disclose that the respondent No. 1 has considered the need of immediate financial crisis in the family of the deceased employee for giving compassionate appointment to any of the dependant of the deceased employee. So, the impugned order communicated under letter dated June 24, 2015 (Annexure P-7 to the original application) is set aside.</p>	

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SCN.	<p>The respondent No. 1, Principal Secretary, Department of Forests, Government of West Bengal is directed to reconsider the case of the applicant for compassionate appointment on the basis of the materials available on record including the report of the Three-Men Enquiry Committee in accordance with the provisions of notification No. 114-Emp dated August 14, 2008 issued by the Labour Department, Government of West Bengal, which was in force on the date of death of the father of the applicant and by taking into consideration the date of submission of application for compassionate appointment as on December 28, 2011 - when informal application was submitted by the applicant, within a period of twelve weeks from the date of communication of the order and to communicate the result of the same to the applicant within a period of two weeks thereafter.</p> <p>With the above direction, the original application is disposed of.</p> <p>Let a plain copy of the order be supplied to both parties.</p> <p>(S.K. Das) MEMBER (A)</p> <p>(R.K. Bag) MEMBER (J)</p>	