

**ORDER SHEET****WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-****The Hon'ble Smt. Urmita Datta (Sen), Member (J)****& The Hon'ble P. Ramesh Kumar, Member (A)****Case No OA-482 of 2017****Santu Kundu –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 style="text-align: center;"><u>7</u> 16.08.2018</p>	<p><i>For the Applicant : Mr. S. Chatterjee, Advocate.</i></p> <p><i>For the Respondents : Mr. A.K. Das Sinha, Advocate.</i></p> <p><i>The counsel for the applicant has prayed for leave to add Principal Secretary, Deptt. of Home as Respondent No. 1(a) who is the competent authority to take decision. Leave is granted.</i></p> <p><i>The instant application has been filed praying for following reliefs:</i></p> <p><i>“A) A direction be given upon the respondents and each one of them their men, agents subordinates and servants to take a decision for grant of compassionate appointment to the applicant in any post commensurate with the qualification of the applicant forthwith and immediately.</i></p> <p><i>B) A direction be given upon the respondents and each one of them their men, agents. Subordinates and servants to take steps for approval of appointment of applicant in terms of processing status of application for</i></p>	

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	<p><i>appointment under exempted category being Annexure-H to the present application and to act in accordance with law.</i></p> <p><i>C) A direction be given upon the respondents and each one of them their men, agents, subordinates and servants to grant compassionate appointment of any suitable post commensurate with the qualification of applicant within a time as specified by this learned Tribunal.</i></p> <p><i>D) A direction be given upon the respondents and each one of them their men, agents, subordinates and servants to certify and transmit all relevant records of this case to this Hon'ble Tribunal so that conscionable justice may therein be administered.</i></p> <p><i>E) An interim order be issued directing the respondents to consider the claim of the applicant for grant of compassionate appointment within a time as specified by this learned Tribunal and thereafter to grant compassionate appointment to the applicant forthwith and immediately.</i></p> <p><i>F) Pass such other or further order or orders</i></p>	

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	<p><i>and/or direction or directions as to Your Lordships may deem, fit and proper."</i></p> <p><i>According to the applicant after the death of his father he applied for compassionate appointment which was considered and he filed application for compassionate appointment but till date no decision has been taken. Being aggrieved with, he has filed this application. The counsel for the respondent has filed a reply wherein he has enclosed one letter dated 09.02.2018 communicated to him wherein the Superintendent of Police, Birbhum has communicated him inter alia</i></p> <p><i>"Therefore, according to the counsel for the respondent, as per Memo No. 170/PL/PB/2P-335/13 Dated 05.11.14 of Spl. to the Govt. of W.B., Home(Police)Department the case was re-examined in terms of Labour Department Notification No. 251-Emp Dated 03.12.13 and the file was again sent to IGP(A) vide this office Memo No. 281/RO Dated 21.02.14. The file was resent after correction vide Memo No. 722/RO Dated 01.07.14 and was duly forwarded to the Asst. Sec. to the Govt. of W.B., Nabanna vide Memo No. 1602/1(C)/Spl/Emp-105/2011 Dated 03.11.14</i></p>	

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	<p><i>of the office of IGP(A).</i></p> <p><i>Reminder was sent from the above mentioned office to the Govt. on 02.08.17. The file was again returned to this office directing re-examination of the file in the light of Labour Department Notification No. 26/Emp Dated 01.03.16.</i></p> <p><i>After observing all the criteria of the said notification, the file was again sent to the office of IGP(A) vide Memo No. 1552/RO Dated 13.09.17. The file again returned directing to re-examine the same in the light of belated clause of 10(aa) of Labour Notification No. 26-Emp Dated 01.03.16 and also for submitting a report from the three mens' enquiry committee to the effect for further consideration of this case vide Memo No. 33/Spl/Emp-105/11 Dated 16.01.18 of the office of IGP(A).</i></p> <p><i>Three mens' committee has already been formed to re-examine the matter in the light of belated clause of 10(aa) of the Labour Department Notification No. 26-Emp Dated 01.03.16."</i></p>	

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A.K.P.	<p><i>Therefore, According to the counsel for the respondent has submitted that the case of the applicant is under active consideration of the authority. However, during the course of the hearing, the counsel for the applicant has submitted that it would suffice his purpose if the authority will be directed to take a decision as referred in the reply within a stipulated period of time and communicated to him. The counsel for the respondent has no objection to such proposition. We direct the competent authority of the respondents to take decision as per their averment in their own reply in the light of the recommendation and to pass a reasoned and speaking order and communicate the same to the applicant within a period of eight weeks from the date of communication of this order.</i></p> <p><i>Accordingly, the O.A. is disposed of.</i></p> <p><b>P. RAMESH KUMAR</b> <b>MEMBER (A)</b></p> <p><b>URMITA DATTA (SEN)</b> <b>MEMBER (J)</b></p>	