

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble SAYEED AHMED BABA, Member (A)

Case No. – OA-131 of 2017

Prasanta Hazra VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. P.S. Ghosh,
Learned Advocate.

22
04.08.2022

For the State
Respondents : Mrs. S. Agarwal,
Learned Advocate.

ORDER

From the records it is clearly evident that the applicant had submitted his application for compassionate employment to the Respondent authority on 30.04.2001, which was within five months after the death of the deceased employee. This is further established from the letter of BMOH, Nabagram to CMOH, Murshidabad on 05.07.2001. Both the letters are in record of this application. Further, the CMOH instituted a Three-Member Committee to enquire into the genuineness of the claim on 28.04.2011, after a gap of ten years. The proposal, complete in all respects was finally forwarded to the Director of Health Services, W.B. by the CMOH on 16.01.2014. The Director of Health Services finally considered the proposal on 12.09.2014 and rejected the same on the ground that the application was submitted after a lapse of ten years from the date of deceased employee's death. While considering the proposal, it is obvious that the respondent either overlooked or ignored the fact that a plain paper

application was submitted within five months from the date of the applicant's father. Had no application been made than the question remains how the BMOH and CMOH acknowledged the applications and further processed these. Moreover, if the Respondent did not consider a plain paper application as a valid application, then why was it not rejected then? The amount of time taken in processing and then the rejection on a questionable ground is not only unfair to the applicant but also shows non application of mind on part of the respondent.

Thus, in my view, the impugned order of the Respondent dated 12.09.2014 on ground of belated submission of application is not only incorrect but also not maintainable and liable to be set aside.

It is hereby ordered that the impugned Order dated 12.09.2014 is set aside and quashed with a direction to Respondent No. 1, the Director of Health Services to reconsider the matter on the basis if the plain paper application submitted by the applicant on 30.04.2001 duly forwarded by the BMOH, Nabagram to CMOH, Murshidabad on 05.07.2001 and pass a reasoned order within a period of twelve weeks from the date of this order and communicate the same to the applicant within two weeks thereafter.

Accordingly, this OA is disposed of.

SAYEED AHMED BABA
MEMBER (A)