

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

The Hon'ble Mr. Sayeed Ahmed Baba, Member (Admn.)

Case No. –OA 656 of 2021

SOUMYA SAIN - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. For the Applicant : Mr. I. Pal,
and Advocate.
Date of order For the State Respondent : Mr. G.P. Banerjee,
02 Advocate.
08.10.2021

Affidavit of service filed be kept on record.

In the application, Soumya Sain, the applicant has prayed for certain reliefs, the relevant portion of which is as under :

“An order to respondent authorities specifically the respondent no. 01 to consider the Candidature of the Applicant for the Compassionate Appointment under the Died-in-Harness Category in accordance with prevailing laws and Government Orders as earliest.”

It appears that Ramanath Sain, father of the applicant, a constable under the West Bengal Police, expired on 18th February, 2011, leaving behind his wife, mother and three sons, as evident from paragraph 6 (c) of the application. It appears that the applicant on 28th March, 2011 applied for compassionate appointment. The case was considered and by Memo dated 15th March, 2012, the authorities had recommended the case of the applicant. It further appears that subsequently as the applicant was willing to be appointed as constable under the exempted category though initially he was considered for LDC, the respondents by intimation dated 26th June, 2021 asked for the willingness of the applicant for employment to the post of constable under the exempted category. It is submitted by Mr. Indradeep Pal, learned advocate for the applicant, since the applicant has expressed his willingness to join as constable and as it was not granted, a letter dated 13th August., 2021 demanding justice was furnished before the Secretary, Department of Home and Hill Affairs, Government of West Bengal, the respondent no. 2 (i) which has not been considered. Aggrieved this application has been filed.

Mr. G.P. Banerjee, learned advocate appearing on behalf of the State

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respondents referring to the Memo. dated 15th March, 2012 appearing at page 16 of the application submits that since the case of the candidate has been recommended for the post of LDC after scrutiny and thereafter the applicant, as evident from page 17 of the application, has been offered the post of constable which he has accepted and as it appears that the matter for grant of appointment on compassionate ground under the exempted category is being processed, no order may be passed.

Having heard learned advocates for the parties and considering the facts and circumstances of the case, since we find from the intimation dated 26th June, 2021, appearing at page 17 of the application, the case of the applicant is being processed for appointment to the post of constable under the exempted category, considering the said fact, the application is disposed of by directing the Secretary, now redesignated as Additional Chief Secretary, Government of West Bengal, Department of Home and Hill Affairs, the respondent no. 2 (i), to consider the case of the applicant for appointment as constable under the exempted category after verifying the documents and records within fifteen weeks from the date of presentation of copy of this order downloaded from the website of the Tribunal, after conducting enquiry, if necessary in accordance with law.

(SAYEED AHMED BABA)
Member (A)

(SOUMITRA PAL)
CHAIRMAN

CSM/SS