

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman.

& The Hon'ble Sayeed Ahmed Baba, Administrative Member.

Case No. –OA-840 of 2021.

Rafikul Islam. – Versus – The State of West Bengal and Others.

Serial No. and Date of order	For the Applicant	: Mr. G. P. Banerjee, Mrs. S. Agarwal, Advocates.
<u>2</u> 11.01.2022.	For the State Respondents	: Mr. G. Haldar, Advocate.

Let affidavit of service filed today be kept on record.

Since despite service of notice none appears on behalf of the State respondents, Mr. G. Haldar, learned advocate, who normally appears on behalf of the State respondents, is requested to appear in this matter. Let a copy of the application be served by Mr. G. P. Banerjee on Mr. Haldar which is served and accepted. The Legal Remembrancer, West Bengal is directed to regularise the appointment of Mr. Haldar.

In this application, Rafikul Islam - the applicant, has prayed for several reliefs, the relevant portion of which is as under :-

“(a) An order do issue directing the respondent authorities to expedite the process for appointment on compassionate ground in die-in-harness category in favour of the applicant and to issue appointment letter accordingly under Group “C/D” category commensurate to his educational qualification within a stipulated time period.

(b) An order do issue directing the concerned respondent authorities to accord approval order upon the proposal so sent on 10.07.2015 vide Memo No. 1515/III/DP/2A-13/96 (Pt.I) Dated 10.07.2015 as well as the reason order dated 26.07.2019 and to issue appointment letter in

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favour of the applicant within a stipulated time period.

(c) A further order to issue directing the concerned respondent authorities to forthwith give appointment to the applicant on compassionate ground in the vacant post of Group "D" / "C" (Regular) under the establishment within a stipulated time period."

It appears that the father of the applicant was an employee of Dhubulia 1 No. Gram Panchayet, Nadia, who had expired on 6th April, 2014. After the death of his father, the applicant made a representation on 21st May, 2014 for appointment on compassionate ground. A three Men's Committee enquired into the matter and recommended the case of the applicant for appointment on compassionate ground. The Additional Director and Rural Development Officer, West Bengal on 10th July, 2015 also recommended for appointment on compassionate ground to the Joint Secretary, Government of West Bengal, Department of Panchayet and Rural Development. Since there was delay, the applicant made a representation on 8th February, 2019 praying for compassionate appointment. Since till date appointment has not been given and the applicant is stated to be in financial hardship, prayer, as noted, has been made.

Mr. G. P. Banerjee, learned advocate for the applicant submits that the respondents may be directed to consider the case as after the Tribunal has passed the order in OA-185 of 2019 filed by the applicant on 2nd April, 2019 directing the Principal Secretary, Panchayet and Rural Development Department to take a final decision within 12 weeks, the Additional Chief Secretary to the Government of West Bengal by reasoned order dated 26th July, 2019 had directed that the

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applicant may be appointed in a Group-D post in a suitable vacancy in Nadia District as and when his turn comes. Thereafter as the Special Secretary to the Government of West Bengal by notification dated 27th January, 2021 had requested the D.P. & R.D.O., Nadia to send the vacancy position regarding appointment on compassionate ground under the die-in-harness category with regard to Rafikul Islam, appropriate order may be passed.

Mr. Halder, if directed, the respondent authorities will consider the matter in accordance with law.

Having heard the learned advocates for the parties and considering the facts and circumstances of the case, the application is disposed of by directing the Additional Chief Secretary, Department of Panchayet and Rural Development, Government of West Bengal, – the respondent no. 2, to appoint the applicant in the died in harness category within five months from the date of presentation a copy of this order downloaded from the website of the Tribunal, on compliance of formalities.

(SAYEED AHMED BABA)
MEMBER (A)

(SOUMITRA PAL)
CHAIRMAN

S.M.