

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

Case No. OA – 371 of 2024

Saikat Pandit - VERSUS - THE STATE OF WEST BENGAL & ORS.

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|------------------------------------|---------------------|-----------------------------|
| Serial No. and Date of order | For the Applicant | : Mr. U.K. Roy, Advocate |
| <u>1</u> 12.11.2024 | For the Respondents | : Mr. S.N. Ray, Advocate |

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638 – WBAT / 2J-15/2016 dated 23rd November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

Affidavit of service filed be kept in record.

The applicant has filed this application praying for setting aside the impugned Memo No. 1166 dated 16th May, 2023. This Memo was the decision of the Department conveyed to the Director of Animal Husbandry and Veterinary Services regretting the prayer of the applicant for an employment under compassionate ground. Patit Paban Pandit, father of the applicant had died on 19.08.2018 working as a Veterinary Field Supervisor under Block Livestock Development Office, Arambag, Hooghly. As the legal heir of the deceased employee, the applicant had furnished his prayers before the respondent authorities praying for an employment under compassionate ground. From the records, it is clear that such an application from the applicant was processed and a letter from the Livestock Development Officer, Arambag, Hooghly also described the applicant does fulfil the requisite condition for an employment on compassionate ground. However, the Department decided not to consider his prayer for compassionate employment.

Mr. Roy, learned counsel has argued that the impugned order regretting the applicant's prayer for employment is bad in law because it does not state any reason for such rejection. This Tribunal after examining the copy of the impugned document is satisfied that the respondent authority regretted the prayer without giving any reason. The relevant line of the impugned Memo is as under:

“the department has decided that present application for appointment on compassionate cannot be granted as it does not fulfil the requisite conditions laid out by

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the Government of West Bengal for compassionate appointment .”

The Tribunal is surprised that the Department, though examined the proposal in detail but could not find any reason and ground to support its decision regretting the prayer for compassionate employment. The petitioner, a job aspirant under the Compassionate Scheme and son of the deceased employee deserved to be told the specific ground under the existing rules. The Department has been arbitrary and whimsical and thus denied natural justice to the applicant. The Tribunal finds this impugned Memo bad in law and thus not tenable and therefore it is quashed and set aside with a direction to the respondent No. 2, Director of Animal Husbandry and Veterinary Services to pass a clear and speaking reasoned order citing the relevant rules in support of his decision within three months from the date of communication of this order. Let a copy of the reasoned order be communicated to the applicant within two weeks thereof. Accordingly, this application is disposed of.

**SAYEED AHMED BABA
OFFICIATING CHAIRPERSON & MEMBER(A)**

A.K.P