

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 – 484 of 2022

Anjali Pahan - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order <u>9</u> 04.04.2024	For the Applicant	: Mrs. S. Agarwal, Advocate
	For the Respondents	: Mr. G.P. Banerjee, 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.

On consent of the learned counsels, the case is taken up for consideration sitting singly.

The father of the applicant had died as a Group-D employee working under the Deputy Director of Agriculture, Balurghat. The applicant is married and one of the seven daughters and as claimed she has been deserted by her husband. Soon after the death of the employee, the widow and mother of the applicant had furnished a plain paper application on 08.10.1997 for such employment in favour of this applicant who was a minor at that time. Upon attaining the age of appointment, the applicant also furnished a plain paper application before the Deputy Director of Agriculture (Training), ATC, Balurghat on 30.12.2001. Both the plain paper applications appear to have been received by the office of the respondent authority. Later on 02.01.2020, the applicant had submitted her proforma application which appears to have also been recommended by the Additional Director of Agriculture. Based on such applications, the respondent authority constituted an Enquiry Committee which recommended such a compassionate employment in favour of the applicant. On examination of the report of the Enquiry Committee, it appears that the applicant belonged to a very poor family and after the death of her father, the family seems to have faced serious financial difficulties. As a family pension, the widow is receiving just Rs. 1388/- per month. Though her other sisters appeared to have been married and not dependent on the

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mother but this applicant, having matrimonial dispute had filed a divorce suit and since then she is living with her mother. Both the mother and the applicant, as noted by the enquiry report, works as piece rated workers in Government and private Firms. The enquiry report is a clear indication that the family is passing through serious economic crisis and an employment on compassionate ground would help them overcome such difficulties and was recommended. This enquiry was conducted by the senior officials, headed by the Deputy Director of Agriculture (WBP). It is also noted that in one correspondence 114 dated 05.03.2020, the Deputy Director of Agriculture (Training) had admitted that the application submitted by the mother on 04.09.1997, which was within one month from the date of death of the deceased employee was ‘overlooked’ by previous D.D.O.s. The respondent authority in the Department of Agriculture considered the application for compassionate employment and rejected the same on 19.05.2022 on the ground of “delayed submission of the application”.

From the submission of the learned counsels and on perusal of the records in this application, the Tribunal observes the following –

- (i) After the death of the employee, the widow had submitted a plain paper application for compassionate employment in favour of the applicant, Anjali Pahan. Such application was received by the office of the Deputy Director of Agriculture (Training) on 08.10.1997.
- (ii) After attaining the age of employment, the applicant had also submitted a plain paper application for such employment for herself on 30.12.2001. Later she submitted her proforma application which was also received by the office of the respondent authority on 02.01.2020.
- (iii) The correspondence from Deputy Director of Agriculture (Training) to the Additional Director of Agriculture (Admin) dated 05.03.2020 vide Memo 114 dated 05.03.2020 makes it clear that the mother of the applicant had furnished a plain paper application before the respondent authorities but was somehow overlooked or ignored by the previous officials.

It is evident from these records that the mother had within the time limit furnished a plain paper application praying for compassionate employment on behalf of

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this applicant. It is true that at the time of death of her father, the applicant was a minor of 14 years 2 months and 5 days. Upon attaining the age of employment, the applicant had also submitted such an application, both plain paper and proforma before the respondent authorities. The Enquiry Committee has also found that the economic condition of the family was not in good shape and they earned their living by working as agriculture labourers. It has also been submitted that the applicant, having a marital dispute, had filed a divorce suit and lives with her mother and dependent on her income.

Now having considered the above facts of the case, the Tribunal finds it surprising that the respondent authority considered and rejected her application on a unfounded ground of “delayed submission of the application”. The Tribunal has noted that this impugned Memo rejecting the application did not consider several facts of the case. For instance, the very fact that the mother had submitted a plain paper application on behalf of the applicant within the time limit has been completely ignored. The reasoned order has also not considered and appreciated the economic condition of the family as reported by the Enquiry Committee. The Enquiry Committee has clearly noted that the family was in serious economic condition. Save and except the paltry sum of Rs. 1388/- as family pension, no other source of regular income or assets movable / immovable have been observed by the Committee. On the other hand, the Committee noted that both the mother and daughter are working as agricultural labourers. It is to be appreciated that the very spirit of the Scheme is to extend a helping hand to the family whose sole earning member had died while in service. The meaning of the very word compassion means a benevolent gesture by the Government to support such a family whose economic condition has deteriorated due to the death of the Government employee. Without appreciating this fact and the spirit of the Scheme, the respondent authority has rejected her application on the ground that such application was not submitted on time, and such ground has been found invalid. It would be apt to say that the respondents were oblivious of the spirit of the Scheme. It should have been considered with full empathy and the true objective of the Scheme applied.

Having observed the above, the Tribunal is compelled to find this impugned

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Memo quashable, and therefore, it is quashed and set aside with a direction to the respondent no. (ii), Secretary, Department of Agriculture, West Bengal to reconsider the application of this applicant for compassionate employment in the light of above observations and with sympathy within a period of four months from the date of presentation of this order and communicate the same to the applicant within two weeks thereafter.

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

A.K.P