

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Bikash Bhavan, Salt Lake, Kolkata – 700 091.**

**Present-**

**The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson and Administrative Member**

**Case No. –OA 486 OF 2023**

**DEBASMITA GUHA - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. For the Applicants : Ms. J. Roy,  
and Advocate  
Date of For the State Respondents : Mr. D. Kole,  
order Advocate

3  
01.04.2024

The matter is taken up by the single Bench pursuant to the order contained in the Notification No.638-WBAT/2J-15/2016 (Pt.-II) dated 23<sup>rd</sup> 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 for the parties, the case is taken up for consideration sitting singly.

Rejoinder filed by Ms. Roy be kept on record. Copies have been served.

This application has been filed challenging the impugned reasoned order dated 27.06.2022, passed by the respondent authorities, rejecting the application for employment on compassionate ground. The deceased employee working as Veterinary Pharmacist had died in harness on 28.07.2016. A plain paper application was submitted on 17.08.2016 by the widow and mother of the applicant praying for a compassionate employment for the daughter. The applicant herself furnished her proforma application before the respondent authorities on 17.06.2019. The fact of submission of such proforma application is not contested by the respondent side. However, it appears the respondent authorities in the impugned memo completely ignored the fact that such a plain paper application was earlier submitted by the mother on behalf of the applicant within the time frame. Further after a close reading of the impugned rejection memo, it is evident that her application was rejected without mentioning any specific reason for such rejection. The relevant lines rejecting the application is as under:

“Whereas, the Departmental Committee, on examination of the documents and considering

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the matter from all relevant aspects, made its observations/recommendations to the ARD Department. Based on the above exercise, the department has decided that present application for appointment on compassionate can not be granted as *it does not fulfil* the requisite conditions laid out by the Government of West Bengal for compassionate appointment.

Hence, the application of Smt. Debasmita Guha for appointment on compassionate grounds is hereby declined and disposed of.”

It is also apparent that the respondent authorities did not mention what were those specific “requisite condition” under the scheme on employment under compassionate ground which were not fulfilled. It is also observed that this impugned reference rejecting this application relied on the enquiry report of the 3-Men Enquiry Committee. However, the enquiry report available in the reply furnished by the respondent authority had given a report contrary to what has been quoted by the respondent authority. The Enquiry Committee had noted “the family facing acute hardship” and “getting small amount of pensionary benefit”. The Tribunal finds that the factual report of the Enquiring Committee was not correctly reflected in the impugned order.

Ms. Roy prays for accommodation to file relevant copies of the judgements of the Hon’ble Apex Court on the next date. Let the matter appear under the heading “Orders” on 31.07.2024.

(SAYEED AHMED BABA)  
OFFICIATING CHAIRPERSON  
and MEMBER (A)

SCN.