

**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- 735 of 2022**

Serial No. and Date of order	Tandra Dey Bhowmik For the Applicant	:	<b>VERSUS –</b> The State of West Bengal & Ors.. Ms. Shaw, Learned Advocate.
<u>03</u> 17.04.2023	For the State Respondents	:	Mr. G.P. Banerjee, Learned Advocate.

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 contesting parties, the case is taken up for consideration sitting singly.

The prayer in this application is for setting aside the order of the respondent dated 29.07.2022. The impugned order was passed by the respondent rejecting the application for compassionate employment to the applicant. In the impugned order passed by the respondent on 29.07.2022, two primary reasons were cited rejection:-

- a) Para 3 & 6 of Labour Department Notification No. 251-Emp dated 03.12.2013.

Para 3 (c) & (d) relates to Definition of unmarried and married daughter for the purpose of compassionate employment.

- b) Para 6 (a) of the said Notification is conditions relating to gross monthly income of the family of the deceased employee.

To be eligible for compassionate employment, the monthly income of the family should not be over

90% of the gross monthly salary of the employee before his death.

Learned counsel for the applicant submits that the impugned order is not only short in words but also no convincing reasons given as to why the application for compassionate employment was declined. By referring to only two paragraphs of the said Notification and without explaining as to how and why these two paragraphs numbers are applicable in this application; this reasoned order is unreasonable, unjustifiable and unfair to the applicant.

Mr. Banerjee, learned counsel appearing on behalf of the respondents submits that after examination of the application, the respondent observed that the applicant was not eligible as per paragraph 3 and paragraph 6 (a) of Notification No. 251-Emp dated 03.12.2013. Therefore, the application was rejected.

From the submissions of the learned counsels and the records in this application, I am of the view that the impugned order passed by the respondent by citing just two paragraphs numbers of Notification No. 251-Emp is not only short in words but also not justifiable. The reasoned order to be passed and a decision to be expressed, ought to have been in the form of a speaking order and must mention, in some detail, as to why the application was not considered.

In view of the above observation, the Tribunal feels that the impugned order dated 29.07.2022 is liable to be quashed and set aside,

hence, the impugned order is set aside with a direction to the respondent No. 2, Deputy Secretary, P.H.E. Deptt. to pass a reasoned and speaking order within a period of ten weeks from the date of communication of this order and the same be communicated to the applicant within two weeks thereof.

Accordingly, the application is disposed of.

SAYEED AHMED BABA  
OFFICIATING CHAIRPERSON & MEMBER(A)

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