

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 –963 of 2016

Samir Saha - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order <u>4</u> 15.12.2022	For the Applicant	: Md. M. Ali, Mr. G.Halder, Advocates
	For the Respondents	: Mr. M.N. Roy, 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 for the contesting parties, the case is taken up for consideration sitting singly.

The prayer in this application is for setting aside the impugned order of the respondent dated 04.08.2016 rejecting the application for compassionate employment on the following ground:

“But total family income of the deceased Govt. employee is much higher than the minimum salary of L.D.C. or 90% of gross monthly salary of the concerned employee before death.”

Mr. Halder submits that the reason cited for rejection is neither explanatory nor is it clear. If the respondent wanted to express that the total family income of the deceased is more than 90% of the gross salary of the deceased employee, than the above sentence falls short of such expression. Since the Respondent has not proved any financial calculation that the total family income is above 90% of gross salary of the deceased, therefore, he prays for setting aside the above reasoned order with a direction to the

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Respondent to offer him compassionate employment. Mr. Roy appearing on behalf of respondent however disagrees and supports the ground on which the application was rejected.

After having heard the learned counsels and examining the impugned order, I agree with Mr. Halder that the respondent has not clearly stated the reason why the application for compassionate employment was rejected. The impugned order of just two lines, which in any case is not comprehensible, the application for compassionate employment from the deceased employee's family cannot be rejected on such fashion. The respondent has to pass a reasoned and speaking order by relying on set of rules and clearly stating the reasons why the applicant is not eligible for compassionate employment.

Therefore, the impugned order passed by the respondent is quashed and set aside with a direction to reconsider the application and pass a reasoned order stating clearly relevant rules and grounds for rejection. The reasoned order should be passed within twelve weeks from the date this order is communicated and the reasoned order so passed should be communicated to the applicant within two weeks thereof.

Accordingly, the matter is disposed of.

SAYEED AHMED BABA
OFFICIATING CHAIRPERSON & MEMBER(A)

A.K.P