

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 1006 OF 2017

NILRATAN BARMAN - Vs - THE STATE OF WEST BENGAL & OTHERS

Serial No. and
Date of order

For the Applicant : Mrs. Sunita Agarwal
Advocate

13
21.11.2024

For the State Respondents : Mr.Sankha Ghosh
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 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.

In terms of a direction of the Circuit Bench of Hon'ble High Court at Jalpaiguri dated 22.12.2021, this matter is being heard afresh. Mrs.Agarwal, learned counsel has submitted that this matter is to be heard afresh taking into consideration the letter of the applicant's mother dated 13.12.2002. A copy of the letter is available with the supplementary application appearing at Annexure-K. In the letter, the mother had prayed for an employment under the compassionate ground for her son, the present applicant - Nilratan Barman, after the death of her husband who had worked as a Krishi Shramik and died while in service on 04.10.2002. Such a letter, reportedly furnished before the respondent authority, the mother had prayed for an employment before the respondent authorities within two months from the date of death of her husband, the deceased employee. Mrs.Agarwal has also submitted that the applicant himself, who was an adult, had also filed a plain paper application before the respondent authorities on 30.08.2007 followed by submission of the proforma application which was forwarded by DDA

(Admn.) to the Director of Agriculture vide Memo. 490 dated 06.04.2010. These facts are indicated in the reasoned order passed by the respondent authorities on 06.06.2017. The Tribunal has not been shown either the copy of the plain paper application or the proforma application filed by the applicant himself. After considering such proposal of the applicant, the Additional Chief Secretary, Department of Agriculture passed a reasoned order regretting a compassionate employment to the applicant, on the primary ground that the applicant had applied for such appointment on 30.08.2007 which was almost five years after the death of his father, Kandura Barman. The reasoned order also observes that the applicant was not able to produce copies of any applications he had submitted before the respondent authorities prior to 30.08.2007. Thus the reasoned order was of the opinion that by filing belated application this applicant's prayer for compassionate employment was not acceptable.

Mrs. Agarwal, learned counsel submits the following in support of the claim of the applicant.

(i) That on the body of the mother's plain paper letter by a Memo. 150 dated 14.12.2022, the case was recommended to the ADO, Sitai for taking necessary action.

(ii) By not filing reply to the supplementary, Mrs. Agarwal presumes that the State respondent has tacitly agreed to the fact that the mother's application existed with a recommendation.

Mr. Ghosh, learned counsel submits that as mentioned in the reasoned order, the applicant failed to produce any documents to show that he had applied for such an employment prior to 30.08.2007. Mr. Ghosh also submits that apart from such document from the

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applicant, he also failed to produce any document in the form of an application by his mother on his behalf. Mr.Ghosh also points out that the fact of the applicant preferred to file such an application for employment after 14 years from the date of death of his father is a clear indication of the fact that he and his family were not in need of any immediate financial support. Mr.Ghosh also point out that the mother's letter as referred to by the applicant side is a doubtful letter and such letter does not exist in the records of the respondent authorities. However, he wishes to file a brief reply against the supplementary application filed by the applicant side.

Let the matter appear under the heading "For Orders" on 10th March, 2025.

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

BLR