

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble SAYEED AHMED BABA, Member (A)

Case No. – OA-168 of 2022
Amit Kumar Bhowmick VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicant	:	Mr. S.K. Nandi, Learned Advocate,
<u>03</u> 30.06.2022	For the State Respondent	:	Mr. S.N. Roy, Learned Advocate.

In this application, the applicant Amit Kumar Bhowmick has prayed for a direction to the respondents to quash the order of rejection dated 15.03.2021 and to provide compassionate employment. His father Paban Kumar Bhowmick working under the control of Border Wing Home Guard Battalion, Kancharapara, North 24 Pgs died in harness on 03.12.2008. Expecting a compassionate employment, the applicant applied to the respondent authority on 14.07.2009 which was considered and rejected by the respondents due to the applicant being a minor of 17 years five months at the time of his death of his father. Seeking a redressal, the applicant approached the Tribunal earlier in OA-575 OF 2014 where the Tribunal was pleased to pass the order to the respondents and directed the respondents to take a decision on the basis of the existing materials. Thereafter the respondents considered his application and rejected the same on the ground that the applicant was minor at the time of death of his father.

Being aggrieved with, the applicant has approached this Tribunal seeking for a suitable direction to the respondents for consideration of his application.

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Learned Advocate Mr. Nandi cites a judgement of Hon'ble High Court, Calcutta reported in 2017 (5) WBLR (Cal) 244 The State of West Bengal & Ors. Vs. Debarghya Chakraborty & Ors.

Learned advocate Mr. Roy submits that the judgement cited by the counsel for the advocate is not relevant in this case and states that the reasons given by the respondents in rejecting the application is very valid.

Mr. Nandi also cited a Supreme Court Judgement in the case of Malaya Nanda Sethy Vs. State of Orissa and Ors. Reported in Civil Appeal No. 4103 of 2022.

It appears from the record that though the applicant had applied for compassionate appointment on 14.07.2009 but only on 28.09.2015 the respondent had considered and rejected his application which is after a gap of almost seven years. As per the judgement of Hon'ble Apex Court in the above case, the Court has held that "authorities must consider and decide for appointment on compassionate grounds as per the policy prevalent, at the earliest, but not beyond a period of six months from the date of submission of such completed applications".

In view of the above Supreme Court Judgement the impugned order of the Respondents dated 15.03.2021 is quashed and set aside with a direction to the respondents to re-consider his application for compassionate appointment afresh within a period of 12 (twelve) weeks from the date of receipt of this order

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by way of passing a speaking and reasoned order as per law and
communicate the same to the applicant.

Accordingly, OA is disposed of.

SAYEED AHMED BABA
MEMBER (A)

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