

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

Mr. Sayeed Ahmed Baba, Officiating Chairperson and Hon'ble Member (A).

Case No. – OA 198 of 2023.

KAKALI DUTTA SARKAR & ANR - VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

05
22.04.2024

For the Applicants : Mrs. S. Mitra,
Learned Advocate.

For the State Respondents : Mr. Shaon Bhattacharyya,
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 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 counsel for the contesting parties, the case is taken up for consideration sitting singly.

The applicant has filed this application praying for setting aside the impugned memo dated 30.11.2022. This impugned reference is a communication from Director of Animal Husbandry and Veterinary Services to the Deputy Director, Animal Resources Development & Parishad Officer enclosing a copy of the Department's decision on ten cases of employment on compassionate ground. The name of the applicant Arghajyoti Sarkar appears at serial no. 10. Interestingly , all ten cases have been rejected with the following sentence:-

“...Ten(10) such files, as detailed below, have been rejected by Additional Chief Secretary in this department.....”.

Neither any reason nor any rule has been relied on by the respondent authority while rejecting these cases, including the case of the applicant for employment on compassionate ground. In the reply filed today by the respondent authority, reference is made to the opinion expressed by the enquiry committee in its report as the reason for rejecting the application. In the final paragraph of the Report. it states that the total income of the family is below 90% of the last salary drawn by Animesh Sarkar, the deceased employee and recommends the proposal for

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appointment on compassionate ground.

After hearing the submissions of the learned counsels and on examination of the records, it is the finding of this Tribunal that the impugned memos dated 3rd November, 2022 and 04th February, 2021 rejected the application of the applicant for compassionate employment without any ground. It is unfortunate that such proposals are rejected in such sloppy and casual manner. Such attitude and non-application of mind on part of the respondent authority has denied natural justice to the applicant. It is also disconcerting to know that despite recommendation of the enquiry committee no consideration was shown. It is the fundamental right of the petitioner to be conveyed such decision based on rule and reason. After all he had high hopes of such an employment as the legal heir to the deceased employee.

Therefore, the Tribunal finds the impugned memo dated 04.02.2021 by the Assistant Secretary rejecting the application for compassionate employment without giving any reason quashable and is therefore quashed and set aside with a direction to the respondent no. 1(a) – the Additional Chief Secretary, Department of Animal Resource Development, to reconsider the matter by passing a reasoned and speaking order within a time frame of four months from the date of receipt of this order and to communicate the same to the applicant within two weeks thereafter.

With the above observation, this application is disposed of.

(SAYEED AHMED BABA)
Officiating Chairperson and Member (A).

Sk.