

**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 215 OF 2023**

**SUBHRA MANDAL – VERSUS- THE STATE OF WEST BENGAL & ORS.**

Serial No. For the Applicant : Mr. Soumitra Chatterjee,  
and Advocate  
Date of For the State Respondent : Mr. Gautam Pathak Banerjee,  
order Advocate

3  
10.07.2023

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

The prayer in this application is to set aside the impugned order dated 12<sup>th</sup> April, 2022 and a direction upon the concerned respondent to grant compassionate employment.

As it appears from the application, the father of the applicant died in harness on 10.05.2017 while working as an Accountant in the office of the respondent No.3 at Kandi, Murshidabad. Soon thereafter on 06.06.2017 the applicant submitted a plain paper application and an application in the prescribed proforma on 29<sup>th</sup> November, 2017 before the respondent praying for compassionate employment. Based on such an application, the respondent formed a committee to inquire into this application for compassionate employment. However, such application was rejected by the respondent on 12.04.2022, a copy was also communicated to the applicant. The three-lined rejection order is as under:

*“With reference to subject mentioned above, the undersigned is directed to inform him that as per rule Smt. Subhra Mondal is not eligible for employment on compassionate ground on the basis of her marriage before her fathers' death.”*

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It is the observation of this Tribunal that it took five years for the respondent authority to consider and reject the application for compassionate employment. It appears that the respondents were short of words and short of knowledge in rejecting this application. In this impugned order, it does not cite any rule as to why the applicant is not eligible for compassionate employment. The only reason stated is the applicant's "*marriage before her father's death*".

The Tribunal is of the opinion that an application for compassionate employment cannot be rejected and discarded summarily. The respondent is duty bound to pass a reasoned order in a speaking form and citing specific rules under which the applicant is not eligible. If the rejection was on the ground of marriage before her father's death, the respondent should have recorded the important dates relating to the father's death, date of application and date of marriage. It should also be noted by the respondent that rejecting on the simple ground of "*her marriage before her fathers' death*" is not enough. It has to be established that the daughter was not only married, but was also residing outside the parental home and not dependant on the income of the father.

In view of the above, the Tribunal sets aside the impugned order dated 12<sup>th</sup> April, 2022 with a direction to the respondent No.1, the Secretary, Food and Supplies Department, Government of West Bengal, Kolkata to pass a fresh reasoned and speaking order within three months from the date of communication of this order and communicate a copy to the applicant within two weeks thereafter.

The application is disposed of.

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

SCN.