

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Administrative Member.

Case No. –OA-230 of 2022

Debayan Sarkar. - Versus - The State of West Bengal & Others.

Serial No. and Date of order	For the Applicant	: Mr. A. K. Pal, Advocate.
<u>03</u> 12.07.2022.	For the State Respondents	: Mr. S. Ghosh, Advocate.

In this application, the applicant – Debayan Sarkar has prayed for setting aside the impugned order of the respondents. The father of the applicant was a Fire Officer at Cooch Behar who died-in-harness on 31.12.2006. The first representation for employment was made on 15.09.2009. The respondents considered the application and rejected it by citing Clause 6(c)(c) and Clause 14(a) of Labour Department's Notification No. 251-Emp. Dated 03.12.2013.

It appears that the age of the applicant was 16 years (minor) at the time of his father's death and on this reason the respondents rejected his application.

Learned advocate for the applicant submits that while rejecting his application no opportunity was given to him. Besides, the application was submitted on 15.09.2009, whereas the respondents rejected it on 06.11.2015 after a gap of six years. Learned advocate also submits that this impugned order of 2015 was communicated to him on 04.04.2022 after a gap of seven (07) years. So, therefore, his prayer is for setting aside this impugned order and providing compassionate employment to the applicant.

Mr. S. Ghosh, learned advocate for the State respondents submits that the petition was rejected on the ground that the applicant was a minor at the time of his father's death. Therefore, as per 251-Emp. Dated 03.12.2013 the applicant being a minor at the time of his father's death is not eligible for compassionate employment. Secondly, the applicant

had submitted the application after about three years from the death of his father. According to the 251-Emp. Dated 03.12.2013 Clause 14(a) : *“Application submitted more than two years after death/incapacitation prior to issue of Notification No. 30-EMP. dated 02.04.2008 will not be entertained.”*

So, on above grounds, the application was rejected. After hearing both the learned advocates and perusing the records, I am of the view that the rejection of the application by the respondents citing just the Clause of the Notification 251-Emp. is very cryptic. The respondent may have his own reasons in declining the application, but the applicant deserves to know and understand the reasons why her application was found defective and thus rejected. For the Respondent, it may be few technical words for rejection, but for the applicant, a job aspirant and hopeful of Govt.’s benevolence – need to be told in a proper language which he can comprehend, the reason why he was found ineligible. Such practice of rejection without elaborating the reasons have to be stopped.

Thus, not being satisfied with the way the applicant’s application was rejected, the impugned order of 06.11.2015 is set aside and quashed.

The Respondent No. 1, the Additional Chief Secretary, Department of Fire and Emergency Services is directed to re-consider and pass a reasoned order and dispose of the application for employment by stating detailed reasons, as per law.

The application is disposed of.

(SAYEED AHMED BABA)
MEMBER(A)

S.M.