

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. - OA 294 OF 2022

SHRIMATI KUNTI SINGHA AND ANR. - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicants	: Mr. Gautam Pathak Banerjee, Mr. Biswa Priya Ray, Advocates
<u>3</u> 16.08.2022	For the State Respondents	: Mrs. Ruma Sarkar, Mr. S. Deb Ray, Advocates

The matter is taken up by the single Bench pursuant to the order contained in the Notification No.496-WBAT / 1E-08/2003 (Pt.-II) dated 4th August, 2022 issued in exercise of the powers conferred under section 6(5) of the Administrative Tribunals Act, 1985.

As prayed for by Mr. Gautam Pathak Banerjee, learned advocate for the applicant, leave granted to correct the cause title so far it relates to respondent no.2(I).

In this application, Smt. Kunti Singha, widow of late Kshirode Chandra Singha and Shrimati Sujata Singh Sekhar, wife of Debdeep Sekhar, the applicant nos. 1 and 2 have prayed for certain reliefs, the relevant portion of which is as under:

- “a) To set aside the decision of the respondent No.3 passed on December 21, 2021 thereby rejecting the prayer for appointment of the applicant No.2 on compassionate ground;
- b) To grant appointment in favour of the applicant No.2 in a suitable post on compassionate ground on the death of her father;.....”

Mr. Banerjee referring to the impugned order dated 21st December, 2021 submits that though the Additional District Magistrate cum the District Land and

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Land Reforms Officer, Jhargram, the respondent no.2(III) has found that the application of the applicant no.2 for grant of compassionate appointment after the death of Kshirode Chandra Singh, a Group 'D' staff in the office of the Revenue Officer, could not be taken up as it does not match with the principles of law laid down in the judgement in the State of West Bengal and Others vrs. Purnima Das : 2017 (4) CHN 362, however, the order does not provide the reasons for not matching with the said judgement. Moreover, as the father of the applicant no.2 expired on 24th December, 2009, the notifications dated 3rd December, 2013 and 3rd July, 2014 which have been relied on, while turning down the prayer of the applicant no.2, are not applicable to the facts of the case.

Mrs. Ruma Sarkar, the departmental representative of the Land and Land Reform & Refugee Relief and Rehabilitation Department, Government of West Bengal submits that the impugned order is just and proper.

Having heard the learned advocates for the parties, since I find from the impugned order dated 21st December, 2021 that it does not explain how the conditions laid down in the judgement in the State of West Bengal & Others vs. Purnima Das (supra) do not match with the facts relating to Sujata Singha Sekhar, the applicant no.2, and as Kshirode Chandra Singha, the father of the applicant expired on 24th December, 2009 and as the application for compassionate appointment was made on 3rd February, 2010 and the notifications were subsequently issued on 3rd February, 2013 and 3rd July, 2014 and thus, not applicable and as the order is cryptic, it cannot be sustained and is thus set aside and quashed. The application is allowed. Accordingly, the Secretary, Land and Land Reform & Refugee Relief and Rehabilitation Department, Government of West Bengal, the respondent no.2(I) is directed to consider the application regarding appointment of the applicant no.2 on compassionate ground afresh by passing a reasoned order to be communicated to the parties within fifteen weeks from the date of presentation of a copy of this order downloaded from the website

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of the Tribunal after giving an opportunity of hearing, after considering the case of the applicant no.2 in the light of the judgement passed in the State of West Bengal & Ors. vs. Purnima Das (supra) and the notifications and circulars which were prevalent on 24th December, 2009, that is the date on which the father of the applicant no.2 expired, after making necessary enquiry and after verifying the records.

(SOUMITRA PAL)
CHAIRMAN

WEST BENGAL ADMINISTRATIVE TRIBUNAL