

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Administrative Member

Case No. – OA 298 of 2021

MANOJ BAG – VERSUS- THE STATE OF WEST BENGAL & ORS.

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| Serial No. and Date of order | For the Applicants | : Mr. Sukumar Ghosh, Mrs. Moumita Ghosh, Advocates |
| <u>8</u> 25.04.2022 | For the State Respondents | : Mr. Gautam Pathak Banerjee, Advocate |

The instant application is regarding compassionate appointment to the applicant, Manoj Bag.

The father of the applicant, late Susil Kumar Bag, who worked as Police Constable for more than 19 years, unfortunately, died in a road accident while on duty on 04.11.2011. At the time of the father's death Manoj was only 10 years old.

After the death of the husband, Smt. Sima Rani Bag, wife applied to Superintendent of Police, Howrah requesting for employment under compassionate ground to her son on attaining majority.

Later Manoj Bag, after attaining the age of 18, also applied on 20.03.2011 to the Police Authorities for compassionate appointment. The Superintendent of Police, Howrah directed Manoj Bag through the concerned Police Station to appear before him with all relevant testimonials on 28.06.2011. Subsequently, the O.C., Kolaghat Police Station having been directed by the Police Authorities submitted his enquiry report regarding financial condition of Manoj Bag. In the report the O.C. categorically states that he conducted the enquiry personally and the financial source of the family is only the late father's pension of Rs.5,500 per month and some small immovable assets. Finally, the proposal for compassionate employment to Manoj Bag was disposed of by the Home & Hill Affairs Department in memo dated 03.04.2018 by rejecting the application on the following grounds :

“It appears that the candidate has not fulfilled the required conditions as laid down in the said notification for being eligible to be considered for appointment

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under exempted category.

Accordingly, I am directed to state that the Department regrets its inability to consider the case for appointment under the exempted categorythe guideline contained in Notification No. 251-Emp dated 03.12.2013 of Labour Department readsubsequent amendments.”

SCN. From the records submitted it is clear that after the death of Susil Kumar Bag, the mother applied within the time for providing compassionate employment to her son, Manoj Bag upon attaining majority. Manoj Bag, upon attaining majority also submitted proforma application. Thereafter, the Police Authorities conducted written test and interview to test his capabilities for employment under the Police Department. However, no result of such test has been intimated.

It is surprising that after a lapse of six years from the written test and interview, the State respondents rejected the application without giving any specific reason as to why the application for compassionate employment is being rejected. The order communicated by the Deputy Secretary to the Director General & Inspector General of Police, West Bengal dated 3rd April, 2018 only quotes that “*required conditions were not fulfilled to make him eligible for employment under exempted category*”. The order of rejection concerning the compassionate employment of Manoj Bag lacks sufficient clarity and is against natural justice. The order is quashed and set aside.

The Deputy Secretary, Department of Home and Hill Affairs, Police Establishment Branch, Government of West Bengal, the respondent no.2 is directed to consider the application of Manoj Bag for compassionate appointment afresh and dispose of the same according to law by passing a reasoned order to be communicated to the parties within a period of eight weeks from the date of receipt of this order, downloaded from the website of the Tribunal.

The application is disposed of.

(SAYEED AHMED BABA)
MEMBER (A)