

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Bikash Bhavan, Salt Lake, Kolkata – 700 091.**

**Present-**

**Hon'ble Justice Soumitra Pal, Hon'ble Chairman.**

**Case No. – OA 30 of 2018.**

**SRI APU HALDER - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. and  
Date of order

9  
25.01.2021

For the Applicant : Mr. G.P. Banerjee,  
Advocate.  
For the State Respondent : Mr. A. De,  
Mr. A. Datta,  
Departmental representatives.

The matter is taken up by the single Bench pursuant to the Notification No. 949-WBAT/2J-15/2016 dated 24<sup>th</sup> December, 2020 issued in exercise of the powers conferred under sub section (6) of section 5 of the Administrative Tribunals Act, 1985.

In this application Apu Halder, the applicant, has prayed for a direction for appointing him on compassionate ground under death-in-harness category in the light of Labour Department Notification dated 2<sup>nd</sup> April, 2008, 14<sup>th</sup> April, 2008 and memo dated 10<sup>th</sup> August, 2012 and the memo dated 29<sup>th</sup> November, 2012.

It appears that the matter was admitted. Reply and rejoinder have been filed and are on record.

It is submitted by Mr. G.P. Banerjee, learned advocate for the applicant, that though by memo dated 10<sup>th</sup> August, 2012, the Additional District Magistrate and District Land and Land Reforms Officer, Nadia, had recommended the application of the applicant for appointment after making enquiry, no steps have been taken. Thereafter, though by memo dated 20<sup>th</sup> November, 2012 issued on behalf of the Director of Land Records and Surveys and Joint Land Reforms Commissioner, West Bengal, the respondent no. 3 addressed to the Joint Secretary, Land and Land Reforms Department – the respondent no. 2, recommendation has been with regard to the case of the applicant that it is fit for recommendation for employment on compassionate ground in the post of Lower Division Clerk, yet no steps have been taken. Submission is appropriate direction may be issued upon the respondent authorities to provide

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employment to the applicant on the basis of the memo dated 10<sup>th</sup> August, 2012 and 20<sup>th</sup> November, 2012.

Mr. A. De, the departmental representative, relying on the reply submits that as the applicant had submitted the proforma for compassionate appointment on 22<sup>nd</sup> September, 2010, that is, more than ten years after the death of his father and more than eight years after attaining majority, no order may be passed as there was no immediate financial hardship faced by the family of the deceased employee. It is also submitted that the applicant of the mother had made an application for compassionate appointment which was rejected.

Heard learned advocates for the parties.

There is no dispute that the Additional District Magistrate and District Land and Land Reforms Officer, Nadia by memo dated 10<sup>th</sup> August, 2012 addressed to the Director of Land Records and Survey & Joint Land Reforms Commissioner, West Bengal, had recommended the employment of the applicant on compassionate ground on account of death in harness of Kartick Chandra Halder, Ex-Amin, father of the applicant. It finds echo in the memo dated 20<sup>th</sup> November, 2012 issued on behalf of the Director of Land Records and Survey and addressed to the Joint Secretary, Land and Land Reforms Department, wherein it has been held as under :-

*“.....With reference to above, this is to state that Kartick Halder, expired on 04.04.2000 after attaining 48 years 3 months & 2 days of age and rendering 25 years 1 months & 10 days of service. The of the deceased Govt. Employee has received Rs.206901/- towards death benefits and the total family pension sanctioned per month is Rs.2840/-. The income from immovable properties is Rs. Nil P.A.*

*Examining the case records in light of the Labour Department's Notification Nos. 30-Emp dated 02.04.2008 and 114-Emp dated 14.08.2008, it appears that the total monthly income of the family of the deceased Govt. Employee, i.e. Rs. 4219/- falls below 90% of the gross monthly salary of the employee before death i.e. Rs. 5562/-.*

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*As such, this case is fit for recommendation for employment assistance on compassionate ground in the post of Lower Division Clerk as the applicant, Sri Apu Halder has acquired knowledge of computer application (attested Xerox copy of the certificate from a recognized institution is enclosed). It is mentioned that the exact vacancy position of the said post recommended post stands at 19<sup>th</sup> point as OBC following the 100 point roster....”.*

Since I find that the respondent authorities had found it “fit” for recommending the name of the applicant for appointment on compassionate ground in the post of Lower Division Clerk, this application is disposed of by directing the Secretary, Department of Land and Land Reforms, Government of West Bengal, – the respondent no. 1, to pass a reasoned order regarding employment of the applicant on the basis of the memo dated 10<sup>th</sup> August, 2012 and 20<sup>th</sup> November, 2012, appearing at pages 73 and 75 respectively, within a period of twelve weeks from the date of presentation of a copy of this order after giving an opportunity of hearing.

(SOUMITRA PAL)  
CHAIRMAN

Skd.