

ORDER SHEET
WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. – O.A. 344 of 2017

MD. IMRAN KHAN – VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr. Soumendra Narayan Ray, Advocate
<u>20</u> 08.06.2022	For the Respondents	: Mr. Debabrata Koley, Advocate

The matter is taken up by the single Bench pursuant to the order contained in the Notification No.118-WBAT/1E-08/2003 (Pt.-II) dated 11th February, 2022 issued in exercise of the powers conferred under section 6(5) of the Administrative Tribunals Act, 1985.

In this application, Md. Imran Khan, the applicant, has prayed for certain reliefs, the relevant portion of which is as under:

- “a) Memo No. 4077/CRO dated 24th November, 2016, being Annexure “P-7” hereof, be set aside and quashed.*
- b) The respondents and each one of them be directed to immediately appoint the applicant to the post of a constable to any suitable post in Kolkata Police on compassionate ground without committing any further delay;*
- c) The respondents and each one of them be directed to keep at least one post of constable in Kolkata Police vacant till the disposal of the present application;”*

The impugned order, contained in the memo dated 24th November, 2016, issued by the Joint Commissioner of Police, Headquarters, Kolkata, is as under:

“Sub:- Employment under compassionate ground.

This is to mention here that, in reply to our proposal for

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your employment on compassionate ground, Govt. regrets its inability to consider the case for appointment under exempted category in the light of the guidance contained in the clause - 14(a) of the Labour Department's Notification No. 251 Emp. Dated- 03.12.2013 read with Recruitment Rule for the post."

Mr. Soumendra Narayan Ray, learned advocate for the applicant submits that the impugned order is cryptic and does not disclose the reasons for rejecting the application for appointment on compassionate ground.

Mr. Debabrata Koley, learned advocate for the State respondents submits that the reasons for rejection are evident from the intimation dated 5th September, 2016, issued by the Deputy Secretary to the Government of West Bengal, Home Department, Police Establishment Branch, Howrah, to the Commissioner of Police, Kolkata, which is enclosed to the reply.

SCN. Since evidently, the order contained in the memo under challenge is cryptic and does not disclose the reasons for rejecting the prayer for compassionate appointment and as it cannot be improved by an affidavit, the order contained in the memo dated 24th November, 2016, being annexure "P-8" to the application is set aside and is quashed. The application is allowed. Accordingly, the Commissioner of Police, Kolkata, the respondent no.3 is directed to consider the case of the applicant for appointment on compassionate ground afresh and shall pass a reasoned order to be communicated to the applicant within ten weeks from the date of presentation of a copy of this order downloaded from the website of the Tribunal after giving an opportunity of hearing and after verifying the records.

(SOUMITRA PAL)
CHAIRMAN