

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

**THE HON'BLE SAYEED AHMED BABA, OFFICIATING CHAIRPERSON AND ADMINISTRATIVE MEMBER,
Case No. – OA 355 OF 2023**

KARTIK SULANKI - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and
Date of order

04
06.08.2024

For the Applicants : Mrs. Sunita Agarwal
Advocate
For the State Respondents : Mr. Sankha Ghosh
Advocate

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638-WBAT/2J-15/2016 (Pt.-II) dated 23rd November, 2022 issued in exercise of the powers conferred under Section 5 (6) of the Administrative Tribunals Act, 1985.

On consent of the learned counsels for the contesting parties, the case is taken up for consideration sitting singly.

The applicant's mother, Budhan Sulanki, died on 23.03.2004, working as a Krishi Shramik in Baghmundi Block Seed Firm under the Sub-Divisional Agricultural Officer, Purulia Sadar. A year later, on 09.12.2005, the applicant furnished a handwritten plain paper application praying for an employment under the compassionate ground due to death of her mother. From a copy of this application, it appears it was received by the office of Agricultural Development Officer, Bagmundi, Purulia on 09.12.2005. Such filing of the plain paper application is not in dispute. Since the respondent authorities had not responded to his prayers, he submitted a typed representation addressed to the Assistant Secretary, Director of Agriculture, Sub-Divisional Agricultural Officer and Agricultural Development Officer, Bagmundi requesting early response to his application for compassionate employment furnished on 09.12.2005. The only information available in this connection is the Memo. No. 525 dated 14.03.2022 which, in very few words, regret his application on the ground "due to delayed

submission of the application”. As submitted by Mr.Ghosh, learned counsel for the State respondents, at the relevant point of time, the rule 301-Emp dated 21.08.2002 allowed only six months to the legal heir of the deceased employee to apply for such an employment under the compassionate ground. Since such a plain paper application was submitted by the applicant on 09.12.2005 after delay of more than a year, such application was not found admissible. Disagreeing with Mr.Ghosh, Mrs.Agarwal, learned counsel submits that such ground is not tenable for the reason that at the time of consideration in the year 2022, the rule 251-Emp. read with 26-Emp. should have been followed. These rules allow a time of two years for submission of such an application from the date of death of employee. The respondent authority cannot reject this application in the year 2021 for a cause which occurred in the year 2004.

It is the finding of this Tribunal that the plain paper application submitted on 09.12.2005 is not in dispute. What is surprising to the Tribunal is that the respondent authorities sat tight over the matter and after a long period of 17 years decided to dispose the matter by rejecting on the ground that such an application was submitted belatedly. The respondent authority does not seem to understand that while the plain paper application of the applicant, who lives in remote Badhmundi Block of Purulia District, was rejected on the ground of delayed submission, but it has no qualms or conscience that the authority itself took 17 long years to consider the matter. The Tribunal is also pained to see such cryptic and summary rejection of the application which is injustice to the applicant. Though delayed submission of application has been mentioned as the only ground, but the respondent authority has not found it necessary to justify such decision by way of stating the

important dates relating to this matter, like the date of death of the employee, date of submission of the application. The respondent authority has also not taken care and cited the rules, let alone any specific clauses of such rule by which such application was rejected.

Without going further into the merits and demerits of the impugned order passed by the Assistant Secretary, Department of Agriculture, the Tribunal feels it is sufficient to record that such impugned order rejecting the application is not tenable and enforceable under any law. The respondent authority should have been more diligent and responded in a timely and better manner to the application. The applicant, whose mother had served the Department as a Krishi Shramik deserved a better response from the Department.

In view of these observations, the Tribunal is compelled to quash this Memo. No. 525 dated 14.03.2022 and it is quashed and set aside with a direction to the respondent No. 2(i) the Principal Secretary, Department of Agriculture to reconsider the matter afresh and pass a reasoned and speaking order within a period of three months from the date of communication of this order and convey the decision to the applicant within a period of two weeks thereof. The application is disposed of.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON AND MEMBER (A)