

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

**Case No. – OA 388 of 2023**

**Chandan Dutta -- VERSUS – The State of West Bengal & Ors.**

Serial No. and  
Date of order

For the Applicant : Mr. M.K. Sanyal,  
Ld. Advocate.  
For the State respondent : Mrs. S. Mitra,  
Ld. Advocate.

01  
14.07.2023

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 23<sup>rd</sup> 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 has filed this application praying for an appointment under compassionate ground and after setting aside the impugned order of the respondent dated 14.07.2022. As it appears from the application, the prayer for employment was considered and regretted on the following grounds :

*“(a) Required qualification for the eligibility of Group-D post is Class VIII. However, the applicant has not submitted proper educational qualification certificate.*

*“(b) Besides, the applicant has not furnished proper birth certificate.”*

The learned counsel for the respondent Mrs. Mitra submits that this is the reasoned order passed by the respondent authority, rejecting the application for appointment on compassionate ground as per the two reasons.

It appears to the Tribunal that the above reasoned order is essentially a correspondence by the Special Secretary to the Commissioner of Police, Kolkata. By informing the Commissioner of Police, Kolkata that the applicant has not submitted the required qualification certificate, it is clear that it was not a reasoned order passed by the respondent authority after considering all the facts and circumstances. Further, the respondent department had also noted that the applicant had not submitted his birth certificate.

Responding to the above impugned order, Mr. Sanyal, learned counsel for the applicant submits that as pointed out in the correspondence dated

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14.07.2022, a copy of which had also been endorsed to the applicant, Chandan Dutta by a letter dated 15.09.2022 submitted the desired documents before the concerned respondent authority. Submission is that the respondent authority may be directed to now consider his application for compassionate employment after examining the certificate so submitted.

Mrs. Mitra has responded by stating that there was discrepancy in the dates of birth of the applicant. Besides, the difference in the date of birth, the applicant has also submitted two different educational certificates, one showing Class X pass and other showing Class VIII pass.

After hearing the submissions of the learned counsels, this application is disposed of by directing the Additional Chief Secretary, Home & Hill Affairs Department to pass a reasoned order after verifying the documents and records submitted by the applicant and considering the submissions of both the learned counsels as recorded in above paras within a period of 3 (three) months from the date of communication of this order.

Accordingly, the application is **disposed of.**

**SAYEED AHMED BABA**  
**Officiating Chairperson & Member (A)**

HS/SS