

ORDER SHEET

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 421 of 2024

Manu Barman -- VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. M.K. Biswas,
Mrs. S. Chanda,
Ld. Advocates.

02
12.12.2024

For the State Respondents : Mr. S.K. Mondal,
Ld. 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.

Applicant prayed for a direction to the respondent authorities to consider his prayer for an employment under compassionate ground. After the death of his father, Rajkanta Barman who had died while in service as a Banasramik on 04.10.2018, the applicant furnished his proforma application for employment under compassionate ground on 06.09.2019. Despite such application before the respondent authorities within the permissible time, the State respondent has not taken any decision.

Mr. Biswas, learned counsel draws attention to a copy of memo. no. 2821 dated 18.08.2022 addressed by the Divisional Forest Officer, Jaldapara, Cooch Behar to the Assistant Divisional Forest Officer and the Range Officer advising them to present relevant documents before him in connection with the prayer of the applicant for employment on compassionate ground. From this memo, it is also understood that a Committee headed by the Divisional Forest Officer was formed. Submission is that despite such information about the Committee, the applicant has been kept in darkness as to the outcome of this Committee's findings and also the final decision taken by the competent respondent authority in the application for a compassionate employment. From the submissions of the applicant's side as well the application, it is understood that father of the applicant, Rajkanta Barman died on 04.10.2018 while serving as a Banasramik. A copy of the proforma application filed by the applicant is enclosed in this application which has a seal of the Divisional Forest Officer, Jaldapara Wildlife Division. However, no date is visible in this proforma application, which is important to ascertain whether such application was filed by the applicant within the permissible time. Nonetheless, it is clear from the submissions and the records that despite examination of the prayer of the applicant by the respondent authority,

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which includes also the submission of Three-men Screening-cum-Enquiry Committee, no final decision has been taken by the competent authority in this matter. Since it is the responsibility of the respondent authority to take the final decision, it is the direction of this Tribunal to respondent no. 2, the Principal Secretary, Department of Forest to examine this matter and take a final decision within three (03) months from the date of communication of this order by passing a clear reasoned order. Such order to be passed by him should also be communicated to the applicant within two (02) weeks thereafter.

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

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

CSM/SS