

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble SAYEED AHMED BABA, Member (A)

Case No. – OA-429 of 2019

Ajoy Pal VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. S. Agarwal,
Learned Advocate.

14
28.07.2022

For the State
Respondents : Mr. S. Ghosh.
Mrs. S. Das,
Learned Advocates.

In this application, Ajoy Pal son of Netai Pal has prayed for a direction seeking for setting aside the impugned order of the respondents dated 07.02.2019. The prayer also seeks direction to the respondents to provide a job under the compassionate ground. The applicant's father who had worked as Field Labourer under the Sisal Plantation Farm, Rajnagar, Birbhum died in harness on 03.09.2001. Thereafter, the mother of the applicant had applied on a plain paper on 14.09.2001 for providing compassionate employment to her son who was a minor at the time of his father's death. Later on 27.05.2003, she submitted the proforma application. After considering the application, the respondents rejected the prayer of the applicant on the ground as quoted below :-

a)That Para 4 of 30-Emp dated 02.04.2008 states, "The dependant of an employee seeking appointment on compassionate ground shall henceforth make an application in the prescribed proforma within six month from the date of death of the deceased

employee or his retirement on permanent disablement if no application is submitted within this stipulated period, it will be presumed that the family does not require immediate financial assistance”.

Being aggrieved with, the applicant moved this Tribunal through an OA-704 of 2017 for suitable redressal. The Tribunal in an order dated 06.11.2017 set aside the impugned order dated 04.10.2012 with a direction to take a fresh decision and communicate the same to the applicant.

Thereafter the applicant moved before this Tribunal with a contempt petition against the respondents through CCP-42 of 2018.

In pursuance of the direction of the Tribunal, the respondent authority considered and issued a reasoned order on 07.02.2019. The reasoned order cast doubts on the genuineness of the application earlier submitted by the mother of the applicant as “doubtful, forged and not proper”. Hence, the application was rejected due to “repeated failure for production of relevant documents” as well as the original receipt copy of application of Sitala Pal, mother of the applicant in respect of claim of employment on compassionate ground.

The applicant has approached this Tribunal through this OA-429 of 2019 challenging the reasoned order and seeking Tribunal’s intervention in providing a compassionate appointment. Mrs. S. Agarwal, submits that the documents are not forged and doubtful. These are authentic documents submitted to the respondents in

original. Copy of which are available in this record at page 25. It appears from the record that a hand written application signed by Sitala Pal, the mother of the applicant was submitted on 14.09.2001 against which there appears to be a signature and seal of the recipient as Agricultural Development Officer, Sisal Plantation Farm, Rajnagar Birbhum.

Mrs. Agarwal also submits that the other document i.e. the application in proforma, is not disputed of its authenticity by the respondent.

With regard to the second ground of allegation, i.e. the failure to submit relevant documents in original, Mrs. Agarwal submits that the original documents have already submitted and is under the custody of the respondents, copies of those documents are also in the record. Therefore, submitting of original documents does not arise. “

While submitting, Mrs. Agarwal points out to the grounds for rejection by the respondent as frivolous and non serious. In pursuance of the Tribunal’s order dated 06.11.2017, the Respondent No. vii) issued a reasoned order and relevant portion which is as under :-

- a) “But he failed to produce the same before the Assistant Director of Agriculture (Farm) Sisal Plantation Farm, Rajnagar, Birbhum as well as the undersigned for verification of genuineness of the application of Sitala Pal till 17.01.2019.
- b) However, he was given an opportunity/chance to

produce all original documents for further verification within 25th January, 2019 vide this office letter no. 112 dated 17.01.2019. He appeared this office on 25.01.2019 and again, he failed to produce relevant original documents as well as the original receipt copy application of Sitala Pal in respect of claim of employment on compassionate ground.

c) Considering the judgment of Hon'ble Bench of West Bengal Administrative Tribunal, prayer of Ajoy Pal and scrutinizing office records/documents in respect of claim of employment on compassionate ground, the application of Sitala Pal is 'doubtful' forged and not proper.

d) Hence, the application of Ajoy Pal S/o Lt. Nitai Pal, Ex. Field Labour, Sisal Plantation Farm, Rajnagar, Birbhum is hereby rejected due to repeated failure of production of relevant documents as well as the original receipt copy application of Sitala Pal in respect of claim of employment on compassionate ground."

Mrs. Agarwal submits that for the loss of original documents, she has lodged a diary at the police station, therefore, the photocopies may be accepted by the respondents.

Mrs. Das appearing on behalf of the respondent submits

that despite number of chances given to the applicant to produce the original documents, the applicant has failed. Moreover, the document submitted to the respondents by the applicant appears to be not proper.

After hearing both the learned advocates and considering the facts and circumstances, the application is disposed of by directing the Respondent No. (vii), The Deputy Director of Agriculture (Amdn.) to confirm the authenticity of these documents in question from the offices from where these were issued. Based on the response of the Issuing Authorities, the case may be disposed of within a period of six weeks from the date of this Order and after giving an opportunity of personal hearing to the applicant with the documents. The final reasoned order of the respondent should be conveyed in writing to the applicant within a period of two weeks thereafter.

Accordingly, OA is disposed of.

SAYEED AHMED BABA
MEMBER (A)