

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	:	Mrs. S. Agarwal, Learned Advocate,
<u>13</u> 29.06.2022	For the State Respondent	:	Mrs. S. Das, Learned Advocate.

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

Vs.

The State of West Bengal & Ors

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

Vs.

The State of West Bengal & Ors

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.

Mrs. S. Das appears on behalf of the Mr. S. Ghosh, learned advocate for the respondents who could not appear today due to his illness. She submits that adjournment may be granted. Prayer is allowed.

Rejoinder filed today against the reply filed by the respondents be kept in record. Let the matter appear under the heading Hearing on **28.07.2022**.

SAYEED AHMED BABA
MEMBER (A)

sc