

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. –OA 449 of 2020

Anamika Sarkar - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No.	For the Applicant	: Mr. G. Halder,
and		Ms. P. Sasmal,
Date of order		Advocates.
<u>08</u>	For the State Respondent	: Mr. S. Ghosh,
12.08.2022		Advocate.

The matter is taken up by the single Bench pursuant to the order contained in the Notification No. 496-WBAT/1E-08/2003 (Pt.-II) dated 4th August, 2022 issued in exercise of the powers conferred under section 6 (5) of the Administrative Tribunals Act, 1985.

In this application, Anamika Sarkar, the applicant has challenged the order contained in the memo dated 3rd March, 2020 issued by the Joint Commissioner of Police, Kolkata, West Bengal, the respondent no. 3 whereby her application for appointment on compassionate ground has been turned down. Heard learned advocates for the parties. The order under challenge is as under :

“.....Sub : Employment under compassionate ground.

In response to your application dated 25.06.2019 this is to inform that the prayer for employment of your daughter namely Anamika Sarkar on compassionate ground was referred to the unit committee of SD for consideration.

Accordingly, an enquiry committee was constituted for considering your daughter's employment on compassionate ground. But the said committee unable to consider your case in the light of Labour Department Notification No. 251 Emp. dt. 03.12.13 clause (c) of Para No.3 of West Bengal Compassionate ground, 2013.”

Since evidently, the order does not disclose in what manner the case is applicable in the light of Labour Department Notification No. 251 Emp. dt. 03.12.13 clause (c) of Para No.3 of West Bengal Compassionate ground, 2013

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and is also cryptic, the order under challenge cannot be sustained and is, thus, set aside and quashed. The application is allowed. Accordingly, the Additional Chief Secretary, Department of Home and Hill Affairs, Government of West Bengal, the respondent no. 1 is directed to consider the matter afresh, in the light of the judgment passed on 13th September, 2017 in CAN 12495 of 2014 in FMA 1277 of 2015 – State of West Bengal & Others v. Purnima Das & Others which has been affirmed by the Supreme Court by order passed in SLP 17563/2018 on 23rd July, 2019 and the judgment delivered by the Supreme Court on 20th May, 2022 in Malaya Nanda Sethy v. State of Orissa and Others in Civil Appeal No. 4103 of 2022 (Arising out of S.L.P. (Civil) No. 936/2022) by passing a reasoned order to be communicated to the parties within fifteen weeks from the date of presentation of a copy of this order downloaded from the website of the Tribunal after giving an opportunity of hearing and after verifying the records.

(SOUMITRA PAL)
CHAIRMAN

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