

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

**The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson and Administrative Member.**

**Case No. –OA 474 of 2021**

**Souvik Das. - Versus - The State of West Bengal & Others.**

Serial No. and Date of order	For the Applicant	: None.
<u>09</u> 04.04.2024.	For the State Respondents	: Mr. G.P. Banerjee, 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 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 counsel, the case is taken up for consideration sitting singly.

The applicant has prayed for setting aside the impugned memos. dated 03.11.2016 and 03.10.2018. The impugned memos. rejected the application for employment under compassionate ground. The rejection in the first impugned order dated 03.11.2016 was on the ground that the applicant was a minor at the time of death of his father. It also recorded that Chhabi Das, mother of the applicant and widow of the deceased employee was then alive and eligible for such appointment but did not apply. The second impugned order dated 03.10.2018 also rejected such an application on the ground that the applicant was a minor and had applied for such employment after three years and ten months from the date of death of his father on 05.09.2005. The impugned memo. also noted that mother of the applicant, Chhabi Das, though alive and eligible did not apply for employment for herself.

After examination of the records, the Tribunal finds that an important fact of this case has been ignored by the respondent authorities while taking the decision. Appearing at page-14 of this application is a copy of plain paper application submitted by Chhabi Das before the Block Development Officer (B.D.O), Bhangar-I, South 24-Parganas, which was received on 05.10.2005. The very fact that Chhabi Das had furnished such an application can be substantiated by a reference made by the B.D.O. to the Additional District Magistrate (G), South 24-Parganas, Alipore, Kolkata in a letter dated 28.10.2005. This letter forwards the original application of Chhabi

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Das to his higher authority and a copy has been endorsed to her also. Therefore, it is absolutely clear that when passing the reasoned order and rejecting the application this important fact was not taken into account. On the contrary, both the impugned memos. rejecting the application points out that Chhabi Das, though alive and eligible did not apply. By conformation of the fact that Chhabi Das had applied within the prescribed time limit and her original application was also forwarded by the B.D.O. negates the reason given in the impugned memos. The Tribunal also observes that the report of the Enquiry Committee dated 22.12.2011 was also not considered by the respondent authority. The Enquiry Committee had given its recommendation for such an employment in view of the financial distress faced by the family after the death of the applicant's father.

Therefore, in view of the above findings and observations, this Tribunal finds both the impugned memos. dated 03.11.2016 and 03.10.2018 contrary to facts and circumstances of the case and rejecting the application for compassionate employment under invalid grounds. These two impugned orders are, therefore, quashable and is quashed and set aside. The respondent no. 2(i), the Secretary, Panchayat and Rural Development Department is directed to re-consider the application in the light of above observation of the Tribunal and pass a fresh reasoned order within four months from the date of communication of this order. Let a copy of such reasoned order be communicated to the applicant within two weeks from the date of passing of the reasoned order.

Thus, the matter is disposed of.

(SAYEED AHMED BABA)  
Officiating Chairperson and Member (A)

CSM/HS