

**ORDER SHEET**

**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- 579 of 2023**

**Mahasweta Sanki - Vs - The State of West Bengal & Ors.**

Serial No. and  
Date of order

For the Applicant

:

Ms. Dipa Acharyya,  
Learned Advocate.

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22.08.2024.

For the State Respondents

Mr. S.N. Ray,  
Learned 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.

The applicant, Mahasweta Sanki's husband died on 24.03.2018 while serving in the post of Live Stock Development Assistant under the Directorate of Animal Resources Development & Parishad Officer, Midnapore. Soon thereafter and within the permissible time limit, the applicant furnished her application in the prescribed proforma on 09.07.2018 which was endorsed by the Live Stock Development Officer, Rohini, Sankrail, Jhargram. A copy of the document appearing at page 26 of this application appears to be the report of the 3 Men Enquiry-cum Screening Committee signed by the Block Live Stock Development Officer, Assistant Director, Animal Resources Development (Admn) and the Deputy Director, Animal Resources Development and Parishad Officer, Jhargram. This Committee had recommended an appointment on compassionate ground to the applicant. However, the competent authority in the Deptt. of Animal Resources Development did not consider such a prayer and by its Memo No. 2003 dated 30.11.2021 informed the Director of its decision. This impugned correspondence refers to a "Departmental Committee" and comes to the conclusion that the present applicant "does not fulfil the requisite conditions". From a proper reading of this

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memo, the Tribunal fails to find out the specific criteria which was not fulfilled by the applicant. The relevant notifications in 251-Emp dated 03.12.2013 and 26-Emp dated 01.03.2016 laid down certain number of criterias required to become eligible for getting an employment under compassionate ground. This impugned reference neither quotes any of these criterias laid down in the notifications nor indicates anywhere why the application was not accepted. Further, the Tribunal notes that the impugned reference relies on a "Departmental Committee" and fails to understand under which notification such "Departmental Committee" has been formed. The Tribunal also finds that though the 3 Men Enquiry-cum-Screening Committee had recommended the application but in this impugned reference, though it refers to setting up of this C,ommittee but is silent what the Committee had reported. It is clear that, though this 3 Men Committee had recommended, but no such reference has been made in the impugned reference.

Mr. Ray, learned counsel for the state respondents has filed a reply on behalf of the state respondents and draws attention to para 5(e) and 6 of the reply. However, after proper examination of these paragraphs, the Tribunal still fails to find any cogent ground relied on by the respondent authorities in regretting such an application for employment under compassionate ground.

In view of the above findings, the Tribunal is constrained to come to this conclusion that the decision taken in rejecting the application for employment under compassionate ground does not rely on any ground whatsoever. In fact the impugned reference does not even cite the notifications 251-Emp dated 03.12.2013 and 26-Emp dated 01.03.2016. It appears to be an arbitrary decision and violation of natural justice. Hence, this impugned reference being quashable is quashed and

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set aside with a direction to the respondent No. 1, the Addl. Chief Secretary of the Department to re-consider the application of the applicant praying for an employment under compassionate ground and take a final decision in terms of notifications 251-Emp dated 03.12.2013 and 26-Emp dated 01.03.2016 within a period of three months by passing a speaking and reasoned order and communicate the same to the applicant within a period of two weeks thereafter. Accordingly, the application is disposed of.

**(SAYEED AHMED BABA)**  
**OFFICIATING CHAIRPERSON AND MEMBER (A)**

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