

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

**HON'BLE JUSTICE SOUMITRA PAL,
HON'BLE SAYEED AHMED BABA,**

**HON'BLE CHAIRMAN &
ADMINISTRATIVE MEMBER.**

Case No. – OA 648 of 2021.

BISWAJIT SARKAR - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order For the Applicant : Mr. M.N. Roy,
Advocate.

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24.9.2021.

For the State Respondents : Mr. G.P. Banerjee,
Advocate.

Let affidavit of service filed today be kept on record.

Since despite service of notice none appears on behalf of the State respondents, Mr.G.P. Banerjee, learned advocate, who normally appears on behalf of the State respondents, is requested to appear in this matter. Let a copy of this original application be served on him which is served and accepted. The Legal Remembrancer, West Bengal is directed to regularise the appointment of Mr. Banerjee.

In this application, Biswajit Sarkar, the applicant, has challenged the order dated 3rd March, 2020 issued by the Additional Director of Agriculture (Admn.), Directorate of Agriculture, Government of West Bengal, – the respondent no. 4 whereby the application for appointment on compassionate ground in the died-in-harness category has been rejected.

Mr. M.N. Roy, learned advocate appearing for the applicant submits since the order under challenge does not disclose the ground on which he has been declared unfit, order may be quashed and the respondents may be directed to consider the application afresh.

Mr. G.P. Banerjee, learned advocate for the State respondents submits that the order dated 28th February, 2020 is just and proper.

The order under challenge is as under :-

“.....With reference to the above memo of the Deptt. of

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VS.
THE STATE OF WEST BENGAL & ORS.

Agriculture (copy enclosed) related to the above noted subject he is hereby informed that the die-in-harness case of Sri Biswajit Sarkar, S/o. Late Ranjit Kumar Sarkar, Ex-Watchman, D.S.F., Mohitnagar, Jalpaiguri has been found unfit.

He is hereby directed to inform the applicant accordingly....”.

Since we find that the order under challenge does not disclose the grounds on which the applicant has been declared unfit for employment on compassionate ground in the died-in-harness category, the said order is set aside and quashed. The application is allowed. The Principal Secretary, Agriculture Department, Government of West Bengal, - the respondent no. 2, is directed to consider the matter afresh and shall pass a reasoned order 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.

(SAYEED AHMED BABA)
MEMBER (A).

(SOUMITRA PAL)
CHAIRMAN.

Skg.