

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

Case No. OA 667 of 2023

Ashim Ghosh - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No.	For the Applicant	: Mr. M.N. Roy,
and		Mr. G. Halder,
Date of order		Ld. Advocates.
4	For the Respondents	: Mr. S.K. Mondal,
20.06.2024		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 dated 23rd November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

The father of the applicant was an ex-Senior Workman under Kalyani Electrical Section – I, P.W.D. who died while in service on 24.02.2017 leaving behind his wife and son, the present applicant. A plain paper application was submitted by the mother on 20.04.2017 which was forwarded by the Executive Engineer to the concerned authority. On 19.08.2019, a Screening-cum-Inquiry Committee was set up to enquire and report on such an application for compassionate employment. However, it is not known what was the report presented by this Committee. A copy of the correspondence from Joint Secretary, P.W.D. to the Superintendent Engineer dated 17.04.2023 informs that the applicant's prayer for an employment on compassionate ground could not be approved by the Department. The impugned correspondence justified such regret on the ground that the applicant had submitted the proforma application only on 26.07.2020, after more than two years from the date of death of the deceased employee. It also observed that the date of birth of the applicant being 05.06.1989 was a major at the relevant point of time.

The Tribunal observes that the Joint Secretary in his reasoned order had primarily relied his rejection on the ground that the proforma application was submitted on 26.07.2020 which was after a lapse of more than two years. But the records in this application point out a different scenario. By his communication dated 10.09.2018, the Executive Engineer had submitted the proposal of the applicant along with the proforma application. Further, on 19.08.2019, the Enquiry Committee was set up to enquire into the application of the applicant for compassionate

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employment. As per usual norms and practice, such a Committee is set up only after the proforma application has been submitted by the applicant. Therefore, it can be safely assumed that such a Committee was set up only after the proforma application from the applicant was received by the respondent authority. The mention of the date of submission of the proforma on 26.07.2020 is again debatable. By this letter, the Executive Engineer, Nadia Electrical Division addressed to the Superintending Engineer on 02.07.2020 had forwarded the original application of the applicant along with two other similar cases. The enclosures to the letter clearly mention submission of proforma application in Part-I/II/III. From these documents, the Tribunal finds that the date of submission of the proforma on 26.07.2020 as mentioned by the Joint Secretary is not the correct date, rather the fact on the contrary, which is 10.09.2018. It is clear that the respondent authority while rejecting the application on ground of delayed submission of proforma was ignorant of the actual date of submission. Therefore, this Tribunal finds the impugned memo dated 17.04.2023 rejecting the application on a completely wrong date of submission of proforma is not tenable and is quashable. Thus, it is quashed and set aside with a further direction to Respondent No. 3, the Joint Secretary, PWD to reconsider the application of the applicant for compassionate employment on the basis of submission of proforma as recorded by the Executive Engineer, PWD to the Superintending Engineer as on 10.09.2018. Such reconsideration and Reasoned Order be passed within 3 (three) months from the date of communication of this order and serve a copy to the applicant within 2 (two) weeks thereof.

This application is **disposed of**.

CSM/SS

SAYEED AHMED BABA
OFFICIATING CHAIRPERSON & MEMBER(A)