

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Bikash Bhavan, Salt Lake, Kolkata – 700 091.**

**Present-**

**Mr. Sayeed Ahmed Baba, Officiating Chairperson and Hon'ble Member (A).**

Case No. – OA 668 of 2022.

ISHWAR HANSDA –Vs- THE STATE OF WEST BENGAL & ORS

Serial No. and  
Date of order

5  
14.7.2023

For the Applicant : Mrs. S. Agarwal,  
Advocate.  
For the State respondents : Mr. G. Halder,  
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 for the contesting parties, the case is taken up for consideration sitting singly.

After the death of the mother in harness on 25.12.2020, this applicant, Ishwar Hansda applied for compassionate employment by filing a plain paper application before the respondent authority on 4.2.2021. This application was also supported by a 'No Objection' certificate given by his two other brothers – Jiban Hansda and Lakshman Hansda. Such 'NOC' in a non judicial stamp paper was affirmed before the learned Judicial Magistrate, 4<sup>th</sup> Court, Bankura on 21.1.2022. This application was enquired into by the three men committee headed by the Additional Director of Agriculture (Personnel), Bankura and their report submitted before the Director of Agriculture on 12<sup>th</sup> May, 2022. The report after visiting the house of the applicant and examining the documents noted that the monthly income of the family is below 90% of the gross monthly salary of the deceased employee and it fulfils all the provisions laid down in Notification Emp 114 dated 14.8.2008. The Committee also learnt that one of the brothers, Jiban Hansda has also applied for appointment

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under compassionate ground and concludes Their report by stating that “...if it does not come to be a bar to the employment assistance case of Iswar Hansda, his appointment on compassionate ground may be considered...”.

Although the Committee mentions about their “knowledge” of the applicant’s brother Jiban Hansda also having applied for the employment, however, no copy of such application or fact is available in this application. Similarly, none of the official documents relating to this matter has any reference to Jiban Hansda having applied for the same appointment.

After hearing the submissions of the learned counsels and examining the records in this application, this Tribunal directs the respondent no. 2(iii) – the Director of Agriculture to further process the application of Ishwar Hansda and issue the appointment letter, if all other conditions have been met by the applicant. The Tribunal points out that other two brothers have affirmed an affidavit before the Judicial Magistrate giving their no objection to appointment of Ishwar Hansda. Further it appears from the enquiry committee report that there is no impediment in giving such an appointment to the applicant.

Having said this, the Director of Agriculture, - the respondent no. 2(ii) should also inform this Tribunal, if any of the brothers have applied for such employment after cancelling the ‘NOC’ given to the applicant on 21.1.2022.

Let the matter be listed on 5<sup>th</sup> October, 2023 under the heading “For Orders”.

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

Sk.