

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 751 of 2022.

PRABIR HALDER - VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

10
13.01.2025

For the Applicant : Mr. D. Ray,
Ms. S. Mukhopadhyay,
Advocates.

For the State Respondents : Mr. S.N. Ray
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 Tribunal after careful reading of the reasoned order passed in Memo 840 dated 04.4.2023 has observed that the Respondent authority has not supported their decision based on specific facts and figures. For instance, the reasoned order regretting the prayer on the ground that there was suppression of facts has not amplified as to what fact was suppressed or what fact has been now reflected during the visit of the second Committee. Further, the Tribunal also finds that the Respondent authority's conclusion that his total source of income exceeds 90 per cent of the gross salary last drawn by the deceased employee is not supported by naming the source with specific figures. By simply turning down a proposal stating that it exceeds 90 per cent does not satisfy the Tribunal.

In another part of the reasoned order, the Committee's statement that the applicant was living in his sister's house which is a "decorated Pucca House" on the main road also does not satisfy the Tribunal that the house belongs to the applicant.

Mr. Ray, learned counsel has been advised to take instruction and respond to the above observation of the Tribunal through a report.

Let the matter appear under the heading "Hearing" on 08.5.2025.

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

Skg.