

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 - 770 of 2023

Reshma Majumder - Vs - The State of West Bengal & Ors.

Serial No. and
Date of order

04
15.01.2025

For the Applicant : Mr. A. Chatterjee,
Learned Advocate.

For the State : Mr. S.N. Ray,
Respondents Mrs. Sunita Agarwal,
Learned Advocates.

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.

By filing this application a prayer has been made for setting aside the impugned order dated 04.09.2023. By this impugned order, the respondent authority regretted the prayer of the applicant for an employment under compassionate ground stating that such an application was furnished by the applicant on 18.06.2019 which is after more than two years from the date of death of the employee which occurred on 08.09.2016. The impugned order cites relevant provisions of the Notification 251-Emp dated 03.12.2013. By observing that it was a belated application, the impugned order comes to the conclusion that the family was not in need of any financial assistance. Samir Majumder, father of the applicant had died while in service working as an Inspector under the Animal Resources Development Department on 08.09.2016. Soon thereafter the applicant furnished a prayer before the Deputy Director, Barasat, North 24 Pgs.. Mr. Chatterjee, learned counsel drawn my attention to copy of Memo

2421 dated 28.11.2016. A proper reading of this correspondence shows that the Deputy Director in his letter to the Director, Animal Husbandry and Veterinary Officer dated 28.11.2016 had clearly submitted a proposal for an employment on behalf of the applicant. The proposal has a total ten relevant documents enclosed including “original prayer of Smt. Reshma Majumder...” Submission of the applicant’s side is that it is incorrect that the respondent authority to reject the prayer on the ground that such an application was submitted on 18.06.2019, more than two years after the death of death of the employee on 08.09.2016.

Mrs. Agarwal, learned counsel submits that such decision was taken on the basis of Notification 26-Emp dated 01.03.2016.

Having heard the submissions of the learned counsels and on examination of the records, in particular, Memo 2421 dated 28.11.2016 and being satisfied, this Tribunal comes to this conclusion that the applicant had preferred an application for such an employment before the Deputy Director, Barasat, North 24 Pgs. within the stipulated time. The date of death of her father being 08.09.2016, such an application was furnished prior to 28.11.2016. Even if 28.11.2016, the date on which the Deputy Director submitted a proposal before the Director is to be accepted, such date is still within two years from the date of death of the employee. Therefore, the Tribunal does not find the date of submission of application by the applicant in the impugned order as 18.06.2019 to be correct and not based on facts. Therefore, this Tribunal does not hesitate to find the impugned order 2368 dated

04.09.2023 rejecting the prayer of the applicant for employment tenable and being quashable, it is quashed and set aside with a direction to the Respondent No. 1, Principal Secretary, Animal Resources Development Department to re-consider his decision in the light of above observation of the Tribunal and pass a fresh reasoned order within three months from the date of communication of this order. Let copy of this reasoned order be communicated to the applicant within two weeks thereof. The application is disposed of.

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

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