

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 85 of 2023

RESHMA MAJUMDER - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and
Date of order

02
28.04.2023

For the Applicants : Mr.A.Chatterjee
Advocate

For the State respondents : Mr.Soumendra Narayan 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.

On consent of the learned counsels for the contesting parties, the case is taken up for consideration sitting singly.

The prayer in this application is for setting aside the impugned order passed by the respondent on 22.12.2021 relating to compassionate employment. The respondent authority relied on the opinion of one Departmental Committee and rejected the application for compassionate employment. The relevant para of the reasoned order is as under:

“6. And whereas, the Departmental Committee, on examination of the documents and considering the matter from all relevant aspects, is of the view that the present application for appointment on compassionate may not be granted as it does not fulfil the requisite conditions laid out by the Government of West Bengal for compassionate appointment.”

Submission of Mr.A.Chatterjee, learned counsel for the applicant is that the respondent has not considered the application on proper grounds. Moreover, the rejection of the applicant's application is on very vague ground and does not specify any reason as to why the application for compassionate employment was refused.

ORDER SHEET

Form No.

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After hearing the submissions of the learned counsels and considering the records, in particular, the impugned order passed on 22.12.2021, it is evident that the respondent, the Additional Secretary passed such a reasoned order and rejected the application for compassionate employment without citing any reason nor relying on any rule. Merely, relying on the view of the Departmental Committee; and such views of the Committee not been quoted, such rejection is not tenable and liable to be quashed and set aside.

Since no specific reason has been quoted nor any rule has been relied on, the Tribunal is compelled to quash and set aside the impugned order dated 22.12.2021 with a direction to the respondent No. 2, the Additional Secretary, Animal Resources Development Department, to consider the application for compassionate employment afresh and pass a reasoned order after referring to specific reasons and the rules covering the scheme for compassionate employment. Such reasoned order should be passed within twelve weeks from the date of communication of this order and the same shall be communicated to the applicant within one week thereafter.

Accordingly, the application is disposed of.

BLR

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