

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 97 OF 2024

BIKASH THAKURI - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and
Date of order

04
20.03.2025

For the Applicant : Mr. Sankha Ghosh
Advocate
For the State Respondents : Mr. Goutam Pathak Banerjee
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 applicant has prayed for setting aside the impugned Memo 2931 dated 03.8.2023 which appears to be a correspondence regretting the application for compassionate employment earlier filed by the applicant. The primary reason of such regret as given in the Memo is that the applicant's proforma application for such employment was submitted after lapse of more than two years from the date of death of the Government employee. The deceased employee, Deo Kumar Thakuri, father of the applicant had died on 18.12.2012 while working as an "Office Peon" under Deputy Director of Sericulture (Textile), Darjeeling. Mr. Ghosh, learned counsel draws attention to a copy of a plain paper application submitted by the applicant before the Respondent authority on 07.01.2013. Further submission is that the applicant furnished the proforma application before the Respondent authorities on 02.6.2014 which was within the permissible time limit of two years from the date of death of the employee. On the body of the first page of the copy of proforma application, a seal showing a date appears but it is not

ORDER SHEET

Form No.

BIKASH THAKURI

Vs.

Case No : **OA 97 OF 2024**

THE STATE OF WEST BENGAL & OTHERS.

very clear. Copies of the Three men Screening-cum-Enquiry Committee's report dated 18.03.2015 is referred by the learned counsel and submitted that without the proforma application, such enquiry is normally not conducted. Therefore, this is enough evidence that the applicant had submitted the proforma application within two years from the date of death of the employee.

The Tribunal observes that though the Respondent authority had regretted the application on the ground of belated submission of the proforma application, but, no actual dates have been recorded to substantiate such decision. The reasoned order simply notes that the proforma application was submitted after more than two years from the date of death of Government employee. The reason would have been more acceptable if the Respondent authority had recorded the exact dates of submissions of the proforma application. In absence of such dates in the reasoned order, the Tribunal is inclined to accept the argument of the applicant's side supported on the basis of the copy of the proforma application annexed in the application.

Apart from the above observation, the Tribunal also is satisfied that in terms of Memo. 331 dated 21.08.2024, the Extension Officer and Deputy Director (I/C) Darjeeling records that such a proforma application dated 02.06.2014 was received by his office. Such admission of the fact makes it clear that the applicant had indeed furnished the proforma application before the respondent, Extension Officer and Deputy Director (I/C) Darjeeling on 02.06.2014. The date of death of the deceased employee being 18.12.2012, such submission of the proforma application on 02.06.2014 was well within two years time required to file. Thus, the respondent authorities were incorrect in stating in their reasoned order Memo. 2931 dated 03.08.2023 that Bikash Thakuri, the

ORDER SHEET

Form No.

BIKASH THAKURI

Vs.

Case No : **OA 97 OF 2024**

THE STATE OF WEST BENGAL & OTHERS.

applicant had submitted the proforma application after more than two years after the death of the government employee. This fact admitted in Memo. 331 dated 21.08.2024 negates the statement made by the Additional Secretary in his Memo. 2931 dated 03.08.2023.

Therefore, the Tribunal has come to this finding that such decision taken on incorrect ground cannot be the reason for rejection of the applicant's prayer for employment on compassionate ground. The Memo. No. 2931 dated 03.08.2023 of Additional Secretary, Department of Agriculture being untenable is set aside with a further direction to the respondent No. 2, the Principal Secretary, Department of Agriculture to reconsider the entire matter relating to employment on compassionate ground afresh in the light of above observation and in particular, taking into consideration the admission by the Extension Officer and Deputy Director (I/C) in his Memo. 331 dated 21.08.2024. Such reconsideration be done by passing a speaking order within three months from the date of communication of this order and communicate the same to the applicant within two weeks thereof. This application is disposed of.

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

BLR