

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 97 of 2024.

BIKASH THAKURI - VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

02
12.11.2024

For the Applicant : Mrs. S. Das,
Mr. S. Ghosh,
Learned Advocates.

For the State Respondents : Mr. G.P. Banerjee,
Learned 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 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. Mrs. Das, 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 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

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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.

Mr. G.P. Banerjee, learned counsel for the State respondents has been advised to take instruction and file a report.

Let the matter appear under the heading "Hearing" on 20.3.2025.

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

SkG/SM.