

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Bikash Bhavan, Salt Lake, Kolkata – 700 091.**

**Present-**

**The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)**

**Case No. –OA-467 of 2024**

**Jitendranath Mahato. -- VERSUS – The State of West Bengal & Others.**

Serial No. and  
Date of order

For the Applicant

: Mr. G. Halder,  
Mrs. P. Sasmal,  
Learned counsels.

05  
19.06.2025

For the State Respondents

: Mr. S. N. Ray,  
Learned counsel.

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 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

The prayer in this application is for setting aside the impugned order passed by the respondent dated 27.06.2022. By this memo, the Secretary of the Department communicated the decision in the matter relating to compassionate employment to the Director of Animal Husbandry and Veterinary services.

The impugned memo rejected the application of the applicant for an appointment on compassionate ground mentioning that the applicant “does not fulfil the requisite conditions laid out by the Government of West Bengal for compassionate employment”. Jagabandhu Mahato, the father of the applicant while working as ‘Attendant’ died in harness on 11.12.2015. As per the applicant, his mother had furnished a plain paper application on 25.05.2016 praying for such an appointment in his favour. The applicant also had submitted a plain paper application on the same day. A copy of his application dated 24.05.2016 also shows the office seal of Deputy DARD, Purulia dated 25.05.2016. A copy of the proforma application dated 24.11.2016 submitted by the applicant also has signature and seal of the Deputy Director, Animal Resources Development and Parishad Officer, Purulia. A copy of the enquiry report submitted by the Deputy Director dated 30.03.2016 shows that the Committee after considering the financial hardship due to death of the employee recommend the prayer of the applicant for getting an employment under compassionate ground. On the same day i.e., 24.11.2016, the Deputy

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Director, Purulia submits a proposal before the Director of animal Resources vide memo 1379 enclosing the relevant documents including the report of the Screening-cum-Inquiry Committee. On 27.06.2022, the Secretary, Department of Animal Resources Development after considering all the documents, rejects the prayer for an appointment under compassionate ground, without citing any specific Rule and ground for such rejection.

As noted above, the Secretary, though having considered the report of the Committee, it neither mentions any specific ground nor relied on any Rule and rejects the application. The Tribunal is surprised that such a proposal in which the applicant had submitted his application, both in plain paper and proforma within the permissible time has been rejected without mentioning any ground or any Rule. The Committee in his report had very clearly indicated that due to death of his father, the employee, the family has been passing through serious financial difficulties. Such observation has also not been appreciated by the Secretary, neither in the impugned order nor in the reply.

It is indeed very unfair to the applicant to have been responded with such vague and arbitrary decision. The Tribunal, therefore, not being satisfied with such whimsical and arbitrary rejection is inclined to find this untenable under the eyes of law and therefore, being quashable, it is quashed and set aside with a further direction to the Respondent No. 2, the Secretary, Animal Resources Development Department, Salt Lake to reconsider the proposal submitted by the Deputy Director, Purulia on 24.11.2016 and pass a speaking and reasoned order within a period of three months from the date of communication of this order.

This matter is disposed of with the above direction.

SAYEED AHMED BABA  
Officiating Chairperson & Member (A)

S.M.