

**ORDER SHEET****WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

Hon'ble Justice Soumitra Pal, Hon'ble Chairman.  
& Hon'ble Dr. Subesh Kumar Das, Administrative Member.

Case No. OA 689 of 2015.

**SHILA BISWAS+ ANOTHER – VS- THE STATE OF WEST BENGAL & ORS.**

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
<p style="text-align: center;">13</p> <hr/> <p>28.9.2018.</p>	<p>For the Applicants : Mr. A.K. Das Sinha, Advocate.</p> <p>For the State Respondent : Mr. G.P. Banerjee, Mr. B.P. Roy, Advocates.</p> <p>In this application, the applicants- Shila Biswas and Amarendra Biswas, wife and son of late Niranjana Biswas respectively, have prayed for a direction upon the respondents to grant compassionate allowance. It appears that the husband of the applicant was a constable in Kolkata Police. During the service period of the husband of the applicant no. 1 a proceeding was initiated and in 1999 Niranjana Biswas was dismissed from service. Thereafter, he moved the Tribunal by filing an application challenging the order of dismissal, which was dismissed. Challenging the said order passed by the Tribunal, a writ petition was filed by the husband, being WPST 685 of 2009, which was also dismissed. However, the High Court directed the state authority to pay Provident Fund and other admissible service benefits which it appears to have been granted. It appears that in 2012 the husband of the applicant no 1 had expired.</p>	

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	<p>Thereafter, the applicants filed an application for grant of compassionate allowance, which was rejected by memo dated 31<sup>st</sup> March, 2015 by the Reserve Officer, Special Branch, Kolkata – the respondent no. 4. It is submitted by Mr. Das Sinha, learned advocate for the applicant that since the applicants are eligible to apply for compassionate allowance under rule 12 of WBS DCRB 71 particularly Note 3 thereof, and as the communication dated 31<sup>st</sup> March, 2015 appearing at page 12 of the original application is without reason, the said order may be quashed and direction may be issued on the respondents to pay compassionate allowance.</p> <p>Mr. G.P. Banerjee, learned advocate appearing on behalf of the state respondent appearing along with Mr. B.P. Roy, learned advocate submits that the husband of the applicant, dismissed from service in the year 1999, had expired in 2012. During the said period husband did not apply for compassionate allowance. After the demise of the husband, the applicants have come up for grant of the same which is not permissible under Rule 12 of the WBS DCRB ,1971, particularly in view of note 2 thereof.</p>	

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Skg.	<p>Heard learned advocates for the parties. The order impugned, as evident from page 12 of the application, is as follows :-</p> <p><i>“.....This is to inform you that compassionate allowance as proposed by AO KPD towards your cause in terms of rule 12 of WBS DCRB 71 has not been considered by this office.....”</i></p> <p>It appears that the memo does not reveal the reasons for rejection of the prayer and is cryptic. It should have contained reasons. Hence, the memo under challenge cannot be sustained and is quashed. The application is allowed.</p> <p>In the facts and circumstances of the case the Deputy Commissioner of Police, Special Branch , Kolkata – the respondent no. 3 is directed to pass an order afresh within eight weeks from the date of presentation of a copy of certified copy of this order after giving an opportunity of hearing and after dealing with the provisions contained in the WBS DCRB Rules, 1971.</p> <p>(Subesh Kumar Das) Member(A).</p>	<p>(Soumitra Pal) Chairman.</p>

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