

**ORDER SHEET****WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-****The Hon'ble Smt. Urmita Datta (Sen), Member (J)****& The Hon'ble P. Ramesh Kumar, Member (A)****Case No OA - 35 of 2018****Sudip Sarkar –Vs- The State of West Bengal & Others.**

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;"><u>2</u> 26.09.2018</p>	<p><i>For the Applicant: Mr. G. Halder, Advocate.</i></p> <p><i>For the Respondents: Mr. G.P. Banerjee, Advocate.</i></p> <p><i>The instant application has been filed praying for following relief:</i></p> <p><i>“a) An order directing the concerned respondents authorities forthwith to give appointment to the applicant on compassionate ground in accordance with law after quashing/set aside/cancel/revoke the Memo No. 2451(23)/2E-394/2016 dated Kolkata the 26<sup>th</sup> May, 2016.</i></p> <p><i>b) An order directing the respondents, their agents, subordinates and success to consider the representation of the applicant in died-in-harness category in respect of his deceased father namely Rabindranath Sarkar, forthwith;</i></p> <p><i>c) An order directing the respondents, their agents, subordinates and successors to produce all records and proceedings so that conscionable justice may be administered by granting the relief for hereinabove;</i></p> <p><i>d) To pass such other or further orders or</i></p>	

**ORDER SHEET**

Sudip Sarkar

Form No. ....

**Vs.****The State of West Bengal & Ors.**Case No. **OA - 35 of 2018** .....

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><i>orders as to the Hon'ble Tribunal may deem fit and proper;"</i></p> <p><i>As per the applicant, the father of the applicant died on 06.06.2012 thereafter he made an application on plain paper on 10.10.2012 which was received by the Block Livestock Development Officer on the same date on 10.10.2012 (Annexure E). Subsequently, the Block Livestock Development Officer vide his letter dated 18.06.2014 forwarded the documents along with copy of the application of the applicant to the Deputy Director, ARD and P.O., Murshidabad for his consideration (Annexure C). Subsequently, his case was forwarded to the Director of Animal Husbandry and Veterinary Services, West Bengal along with three men enquiry committee report as well as relevant document for necessary action and acceptance vide letter dated 16.10.2014 (Annexure D). However, unfortunately his case was rejected by the impugned order dated 26.05.2016 (Annexure G) on the ground of late submission. The counsel for the applicant has vehemently submitted and also drawn our attention to the letters dated 10.10.2012 and 18.03.2014 as well as the rejection order dated 26.05.2016 which was self-contradictory. As per the rejection order, the applicant submitted his application on 16.10.2014 whereas the respondent themselves forwarded his application for consideration to the Deputy Director on 18.03.2014. Subsequently, on 16.10.2014 with the report</i></p>	

**ORDER SHEET**

Sudip Sarkar

Form No. ....

**Vs.****The State of West Bengal & Ors.**Case No. **OA - 35 of 2018** .....

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><i>of enquiry committee therefore the ground of rejection that he had submitted his application on 16.10.2014 is apparently error on the face of record and thus liable to be quashed. During the course of the hearing, the counsel for the applicant has further submitted that this Court may direct the respondent to reconsider his case on the basis of his submission as well as the application. The counsel for the respondent has no objection for such reconsideration.</i></p> <p><i>Heard the parties and perused the records.</i></p> <p><i>It is noted that the respondents had rejected the case of the applicant vide communication order dated 26.05.2016 on the ground that the applicant had submitted his application belatedly, whereas from the perusal of the communication order dated 18.03.2014 as well as 16.10.2014 it is evident that on 18.03.2014 the Block Livestock Development Officer had already forwarded the application of the applicant along with documents to the Deputy Director, ARD &amp; P.O., Murshidabad and communication dated 16.10.2014 the said Block Livestock Development Officer with three men enquiry report to the Director of Animal Husbandy and Veterinary Services for further consideration and acceptance. Therefore, the ground of rejection of the respondents is self-contradictory. Accordingly, we quashed and set aside the impugned order</i></p>	

**ORDER SHEET**

Sudip Sarkar

Form No. ....

**Vs.****The State of West Bengal & Ors.**Case No. **OA - 35 of 2018** .....

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
A.K.P.	<p><i>dated 26.05.2016 with regard to the applicant only and also direct the respondent No. 1 to reconsider the case of the applicant on the basis of the available records as indicated in their own communication as per law and to take decision and communicate the same within a period of eight weeks by way of reasoned and speaking order from the date of the communication of the order. Accordingly, the O.A. is disposed of.</i></p> <p><b>P. RAMESH KUMAR MEMBER (A)</b></p> <p><b>URMITA DATTA (SEN) MEMBER (J)</b></p>	