

ORDER SHEET

**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 – 422 of 2023**

**Biswajit Ekka - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. and Date of order	For the Applicant	: Mrs. S. Agarwal, Advocate
<u>6</u> 25.04.2024	For the Respondents	: Mr. G.P. 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 dated 23<sup>rd</sup> 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, the case is taken up for consideration sitting singly.

After the death of his father, Manasa Ekka while in service as a Peon, the applicant furnished an application before the respondent authorities for granting him an employment under compassionate ground. Finding the applicant had fulfilled all the eligible criterias for such employment, the respondent authorities approved the proposal and further processed the case to complete his medical examination and police verification. A copy of the letter by Director of Animal Husbandry & Veterinary Services to the C.M.O.H., Dakshin Dinajpur dated 7<sup>th</sup> November, 2014 makes it clear that such an approval has been given. However, during the police verification, it was found that the applicant was involved in two criminal cases and these were pending with the Special Court-cum-A.D.J., 2<sup>nd</sup> Court, Balurghat and learned Judicial Magistrate, 1<sup>st</sup> Class, 2<sup>nd</sup> Court, Balurghat. It appears that due to such pending cases, the Police Verification Report did not clear his name for such an appointment. Later, both the learned courts concluded the trials and the applicant was acquitted from the charges levelled against him. The learned Judicial Magistrates' acquittal order was given on 28.02.2017 and the learned Special Court-cum-A.D.J. passed the acquittal order on 28.05.2015. Having been acquitted from the respective learned courts, the applicant informed the respondents of the same enclosing copies of the acquittal orders. This was followed by several reminders to the Director of Animal Husbandry & Veterinary

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Services and from a letter dated 23.09.2022 he conveyed that both the medical fitness certificate and the Verification Roll have been submitted along with copies of acquittals from the two cases. He, thus, prayed for completing the process and issuing him the appointment on compassionate ground.

The learned counsels for both the sides do not dispute any of the facts as mentioned in the foregoing paragraph.

Having heard the learned counsels and considering the facts and circumstances of the case, it is the finding of this Tribunal that the applicant's proposal for an employment under compassionate ground was earlier approved but due to the two pending criminal cases, such an offer was withheld. It is now clear that the applicant has been acquitted from the two cases and copies of such acquittal orders have been communicated to the respondent authorities. The above facts not being disputed, the Tribunal is of the view that after acquittal from the criminal cases, the respondent authorities are now obliged in offering such an employment to the applicant. It is also in record that, in principle, the respondent authority had cleared his appointment but could not reach its finality due to the two criminal cases. Now, since the criminal cases are closed acquitting the applicant from the charges, it is therefore the direction of this Tribunal to respondent no. 1 Additional Chief Secretary, Animal Resources Development Department to issue the employment on compassionate ground to the applicant, Biswajit Ekka. Such appointment letter be issued and communicated to the applicant within four months from the date of communication of this order.

Accordingly, this application is disposed of.

**SAYEED AHMED BABA  
OFFICIATING CHAIRPERSON & MEMBER(A)**

A.K.P