

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 466 of 2023

Samir Dey -- VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Ms. M. Sinha,
Ld. Advocate.
For the State Respondents : Mr. S.K. Mondal,
Ld. Advocate.

06
30.04.2025

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.

Liberty as prayed for allowed to amend the names of the respondents in the cause title. Let such correction be done during the course of the day.

The applicant has filed this application praying for setting aside the impugned order dated 14.06.2022. The Director of Animal Husbandry and Veterinary Services conveyed the Department's decision to the Joint Director regretting the proposal for appointment under compassionate ground for the applicant. This correspondence had enclosed memo. 1066 dated 13.05.2022. The Secretary of the Department had considered the application of the applicant, but took the decision that such appointment on compassionate ground "cannot be granted as it does not fulfil the requisite conditions laid down by Government of West Bengal for compassionate appointment. Hence, the application of Sri Samir Dey for appointment on compassionate ground is hereby declined and disposed of."

The mother of the applicant, Bela Rani Dey had died while working in the post of orderly Peon under the office of the Joint Director, ARD Institute of Animal Health & Veterinary Biological on 11.11.2014. Ms. Sinha, learned counsel has submitted and drawn attention to the relevant documents that the applicant had applied for such an appointment on 14.06.2016 within 2 years window to file such an application by the legal heirs. A list of names recommended was published by the Directorate of Animal

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Resources and Animal Health having the name of the applicant. Submission of Ms. Sinha is that the respondent authorities did not present any ground for such rejection conveyed in memo. 1066, thus such decision was arbitrary and denial of natural justice to the applicant.

Mr. Mondal, learned counsel for the State respondents relying on the reply of the State points out that the applicant had not been able to satisfy the respondent authorities that due to death of the deceased employee, the family was passing through serious financial difficulties.

The Tribunal finds that the respondent authority's decision in Memo 1066 was in complete disregard to natural justice. Without citing any relevant clauses of the Scheme or Rules, it decided that the applicant was not eligible for an appointment under compassionate ground. By merely mentioning that requisite criterias were not fulfilled, it rejected the application. The impugned memo shied away from specifying the criterias not fulfilled by the applicant. Such rejection without relying on specific rule and mentioning the unfulfilled condition was passed with no application of mind. Therefore, this Tribunal does not hesitate to quash and set aside the impugned memo 1066 dated 13.05.2022 and memo 2329 dated 14.06.2022. These are set aside with further direction to respondent no. 2, Secretary, Animal Resource Development Department to consider the matter afresh in the light of above observation and after giving an opportunity of personal hearing to the applicant, pass a fresh reasoned and speaking order within 90 days from the date of communication of this order and communicate the same to the applicant within 2 weeks thereof.

This application is disposed of.

A.K.P.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)