

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

**THE HON'BLE SAYEED AHMED BABA, OFFICIATING CHAIRPERSON AND ADMINISTRATIVE MEMBER,
Case No. - OA 112 OF 2024**

DIPAK ROY CHOWDHURY - VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	:	Mr. Sankha Ghosh Mrs. Subarna Das Advocates
<u>01</u> 02.04.2024	For the State Respondents	:	Mr. Goutam Pathak 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 (Pt.-II) dated 23rd 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 for the contesting parties, the case is taken up for consideration sitting singly.

The applicant has prayed for setting aside the impugned reference dated 01.12.2016 by which his application for compassionate employment was regretted. It appears after the death of his father, deceased employee on 13.08.2007, the applicant furnished a plain paper application before the authorities on 27.07.2009 which was followed by submission of the pro forma application also. The three men committee recommended the case and submitted its report on 22.03.2010. On 15.07.2010 vide Memo. 444, the Joint Director of Textiles (Sericulture) Siliguri submitted the proposal to the Director of Textiles (Sericulture). By Memo. No. 1148 dated 09.04.2012, the Joint Secretary conveyed its decision to the Director of Textiles (Sericulture) regretting the proposal, the relevant portion is as under:

“there is hardly any scope to favour the prayer of Sri Dipak Roychowdhury as opined by the Labour Department.”

From the above impugned reference, it is not clear what was the specific opinion conveyed by the Labour Department against such a proposal.

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In view of the above observations, the respondent No. 2, the Joint Secretary, Agriculture Department is directed to file a report enclosing copy of the Labour Department's opinion and the rejection order of the Department rejecting the application for compassionate employment by the next date.

The matter is admitted. Let the matter appear under the heading 'Hearing' on 27th August, 2024. Reply, rejoinder, if any, in the meantime.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON AND MEMBER (A)

BLR