

**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 534 of 2019**

**Sk Firoz -- VERSUS – The State of West Bengal & Ors.**

Serial No. and Date of order <u>11</u> 25.04.2024	For the Applicant	: Ms. N. Chowdhury, Advocate.
	For the State Respondent	: None
	For the Private Respondent No. 5	: None

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 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 counsel, the case is taken up for consideration sitting singly.

Rejoinder filed by the applicant be kept in record.

The applicant has prayed for a direction to the respondent authorities to give him employment on compassionate ground after the death of his father on 24.04.2017. The applicant had submitted such an application before the respondent authorities on 07.08.2017. On the other hand, the mother of the applicant had separately submitted a plain paper application on 24.05.2017 praying for such an employment in favour of the her younger, son Sk. Muzid. Her plea was that the elder son Sk. Firoz, the present applicant does not live with her and does not take care of her, instead, the younger son looks after her and so a compassionate employment will not only help him but also help other members of the family including her. Her application was followed by proforma application filed by Sk. Muzid himself before the office of Executive Engineer, P.W.D. Burdwan Division. Acting on such an application from the mother and Sk. Muzid, the respondent authorities constituted a three men screening-cum-inquiring committee which submitted its report on 24.05.2018. A copy of the report is available in the reply of this application filed by the respondent, in which it is evident that after their inspection and evaluation, the Committee recommended a compassionate employment in favour of Sk. Muzid to help elevate the financial distress faced by the family. The report also mentions that the applicant, Sk. Firoz, lives separately and works as a tailor whereas the younger son, Sk. Muzid works as a daily labourer and looks after her mother. This Tribunal in OA-534 of 2019 had directed the respondent authorities to give appointment

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to the private, respondent Sk. Muzid. Such order of the Tribunal was challenged by the applicant in the High Court and the High Court in WPST 3 of 2023 set aside the order of the Tribunal with a direction to hear the matter afresh in presence of the parties.

After hearing the submissions of the learned counsels for the applicant and the private respondent and on examination of the records available, the Tribunal has come to the following observations :

After the death of the earning member, the widow and mother of the parties hold a very important position and her opinion should be considered. It is important for her to decide which son will look after her properly. By furnishing a letter before the respondent authorities and also showing an affidavit, Monija Bibi, the mother of both Sk. Firoz, the applicant and Sk. Muzid, the private respondent have without any ambiguity and clearly expressed her choice for Sk. Muzid, the younger son for appointment on compassionate ground. The Tribunal has noted this important statement and respects such opinion of the mother. The Tribunal has also been made aware of the fact that Sk. Muzid, the younger son who not only lives with the mother but also takes care of, whereas, the applicant Sk. Firoz, the elder son is a tailor and lives separately. The Tribunal also has observed the report of the Screening-cum-Inquiring Committee which categorically proposed such an employment in favour of Sk. Muzid. It is to be appreciated that members of the Committee were required to visit the household and assess the financial and economic conditions first hand.

In view of the above observations and findings, it is the direction of this Tribunal to the respondent authority – to approve the employment on compassionate ground in favour of the Private respondent No. 5- Sk. Muzid. Sk. Muzid shall give an undertaking to the effect that he will look after his mother. Such direction for issuing the compassionate appointment to Sk. Muzid shall be completed within four months from the date of communication of this order.

Accordingly, this application is disposed of.

**SAYEED AHMED BABA**  
**Officiating Chairperson & Member (A)**

H.S