

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

HON'BLE JUSTICE SOUMITRA PAL,
HON'BLE SAYEED AHMED BABA,

HON'BLE CHAIRMAN &
ADMINISTRATIVE MEMBER.

Case No. – OA 627 of 2021.

TITAS DHARA-VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

For the Applicant

: Ms. R. Paul,
Advocate.

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8.10.2021.

For the State
Respondents

: Mr. A. Datta,
Mr. A. De,
Departmental representatives,
Land and Land Reforms Department.

Affidavit of service filed today be kept on record.

In this application, Titas Dhara, the applicant has prayed for certain reliefs, the relevant portion of which is as under :-

“...A direction do issue upon the concerned respondent authorities to forthwith set aside/cancel/rescind/withdraw the impugned Memo No. 117/381/BI/20/I dated 11th November, 2020 of the concerned respondent authority, being Annexure – ‘H’ herein and to declare the candidature of the applicant as valid for compassionate appointment and to recommend, accommodate and appoint him under compassionate ground in a suitable post according to his qualification, if otherwise found eligible, without losing further time.....”.

It appears that the father of the applicant Premendu Dhara was an Air Force personnel who was discharged from service on 31st July, 2001 upon fulfilling of his age of retirement for air force personnel. Premendu Dhara joined service under the Government of West Bengal on 17th June, 2008 and was posted as Amin at Chanditala-1 Block under Land and Land Reforms Office. While in service, he met his premature death on 16th July, 2018 leaving behind Jyotsna Dhara, his wife, Titas

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Dhara, the applicant, and Lipas Dhara, the sons. Thereafter, the applicant made representation before the Sub Divisional Land & Land Reforms Officer, Serampore on 28th August, 2018 for appointment on compassionate ground, which was rejected by the impugned memo dated 11th November, 2021.

It is submitted by Mr. R. Paul, learned advocate for the applicant that since the memo under challenge, being annexure 'H' of the application, does not disclose the specific reasons for turning down the prayer of the applicant, the said memo is arbitrary and illegal and be set aside and the respondents be directed to consider the matter afresh.

Mr. A. De, the Departmental Representative submits that the memo dated 11th November, 2020 is just and proper.

Heard learned advocate for the applicant and the departmental representative for the respondents.

In order to appreciate the issue, it is appropriate to set out the memo under challenge.

*“.....To
The District Land & Land Reforms Officer,
Hooghly.*

*Sub : Proposal for employment assistance on
compassionate ground in favour of Shri Titas
Dhara S/O Late Premendu Dhara, Ex-Amin.*

*Ref : His memo no. 8(P-07)/1071/E-1/2018, dated
24/02/2020.*

With reference to above, this is to inform, that the present case is rejected by the authority as the case is not recommended from his end due to the non-fulfilment of monthly income criteria in terms of G.O. in force.

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He is requested not to forwarded any such cases which are not fit for recommendation for appointment and also dispose of the same at this level.

Additional Director of Surveys, West Bengal.....”.

Evidently the memo does not disclose the criteria of monthly income and does not deal with the Government Order in force. The memo does not contain reasons. It is harsh in rejecting the application of the applicant for appointment on compassionate ground by holding that it is not a fit case for recommendation of appointment in a cryptic manner. The impugned memo lacks clarity. Hence, the memo under challenge, being annexure ‘H’ of the application cannot be sustained and is thus set aside and quashed. The application is allowed.

Accordingly, The Director of Land Records & Surveys and Joint Land Reforms Commissioner, Government of West Bengal, - the respondent no. 2, is directed to consider the matter afresh and shall pass a specific reasoned order within fifteen weeks from the date of presentation of a copy of this order downloaded from the website of the Tribunal after giving an opportunity of hearing to the applicant and other heirs of Premendu Dhara, after verifying the records and after making necessary enquiry.

Since for circumstances beyond control, the Registry is unable to furnish plain copies of this order to the learned advocates for the parties, the Registry is directed to upload this order on the website of the Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.

Skg.

(SAYEED AHMED BABA)
MEMBER (A).

(SOUMITRA PAL)
CHAIRMAN.

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