

# 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 633 of 2024

Indranil Ghosh - Vs - The State of West Bengal & Ors.

Serial No. and  
Date of order

01  
24.02.2025

For the Applicant : Mrs. Sonali Mitra,  
Learned Advocate.

For the State : Mr. S.N. Ray,  
Respondents Learned 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.

The prayer in this application is for setting aside the impugned Memo dated 27.06.2022. By this impugned Memo, the Secretary of Animal Resources and Development Department communicated its decision to the Director of Animal Resources & Veterinary Services that the application of the applicant for an employment under compassionate ground cannot be accepted. The relevant paragraph of the impugned Memo is as under :-

1. *“And whereas, the Departmental Committee, on examination of the documents and considering the matter from all relevant aspects made its observations/recommendations to the ARD Department. Based on the above exercise the department has decided that present application for appointment on compassionate cannot be granted as it does*

*not fulfil the requisite conditions laid out by the Government of West Bengal for compassionate appointment.*

*2. Hence the application of Sri Indranil Ghosh for appointment on compassionate grounds is hereby declined and disposed off.”*

Mrs. Mitra, learned counsel argues that such decision rejecting the application for an employment under compassionate ground is without any reason. Further, this impugned rejection order does not rely on any specific rule by which such prayer is not considered.

The Tribunal does not agree that the impugned order can be passed and such an application rejected without relying on any specific ground and without citing any specific provision of the Scheme. Notification No. 251-Emp dated 03.12.2013 and Notification No. 26-Emp dated 01.03.2016 are to be considered while examining a proposal for an employment under compassionate ground. It is not in dispute that the respondent authority considered and rejected such an application without relying on the above cited Notifications. Thus, this impugned Memo dated 27.06.2022 not tenable in the eyes of law and being quashable is quashed and set aside with a direction to the Respondent No. 1, Secretary, Animal Resources and Development Department to consider the matter afresh and pass a reasoned order by taking a final decision in the light of the above Notifications

**ORDER SHEET**

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**THE STATE OF WEST BENGAL & OTHERS.**

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within a period of three months from the date of communication of this order. Such reasoned order be served upon the applicant within two weeks thereof.

The application is disposed of.

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

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