

18.08.2022

WPST 57 of 2022

Court : 04
Item : 28
Matter : WPST
Status : DO
Transcriber: nandy

Amit Paul
Vs.
The State of West Bengal & Ors.

Mr. Satrajit Sinha Roy, Advocate

.....for the Petitioner

Mr. Tapan Kumar Mukherjee, Advocate
Ms. Debdooti Dutta, Advocate

.....for the State

By the impugned order dated April 25, 2022 passed by the West Bengal Administrative Tribunal in OA 11 of 2022, the application filed by the petitioner challenging the order dated December 17, 2021 passed by the Milk Commissioner, West Bengal was dismissed without returning an independent finding on the allegations/averments made in the said application.

The petitioner applied under the scheme seeking appointment on compassionate ground. The authorities by the said order dated December 17, 2021 rejected the said application holding that the petitioner is not entitled to appointment on compassionate ground. The findings made by the said Screening Committee has been challenged by the petitioner on multiple grounds and, therefore, it was obligatory on the part of the Tribunal to record its finding on such allegations and should not have proceeded on the *ipse dixit* of the said order dated December 17, 2021 to be correct and in consonance with the relevant Rules. The moment a person has approached the Tribunal challenging the decision of the authority on several grounds, it is the fundamental duty of the Tribunal to record its findings on each of such allegations and should not have proceeded to decide the allegations in a slipshod manner.

It appears that the Tribunal was more swayed by the silence of the writ-petitioner than concentrating on the pleadings of the respective parties. The Tribunal is vested with the power to adjudicate the disputes in adversarial manner and not expected to act on the ipse dixit of the decision of the authorities and dismissed the application in a cursory manner that such findings are sacrosanct and does not deserve any interference.

We thus set aside the impugned order.

The matter is remitted to the Tribunal for deciding afresh after affording an opportunity of hearing to the respective parties and shall record its independent findings on all the issues involved therein, in accordance with law.

It is expected that the Tribunal would make endeavour to dispose of the said proceeding as expeditiously as possible, preferably within three months from the date of communication of this order.

WPST 57 of 2022 is disposed of.

(Harish Tandon, J.)

(Shampa Dutt (Paul), J.)

