

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Bikash Bhavan, Salt Lake, Kolkata – 700 091.**

**Present-**

**The Hon'ble SAYEED AHMED BABA, Member (A)**

**Case No. – MA-117 of 2021 (OA-817 of 2016)**

Serial No. and Date of order	Sk. Rejaul Karim For the Applicant	VERSUS – The State of West Bengal & Ors..
		: Mr. G.P. Banerjee, Mr. A. Samad, Learned Advocates.
<u>06</u> 16.09.2022	For the State Respondents	: Mrs. S. Agarwal, Learned Advocate.

Mrs Agarwal in her submission states that compassionate employment is not a matter of right, moreover, the applicant has not challenged the Notification No. 251-Emp dated 03.12.2013 or any other Notification relating to compassionate employment. Mrs. Agarwal submits that 251-Emp dated 03.12.2013 states family pension and other retiral benefits as a part of family income.

Mr. Banerjee submits that 251-Emp of 2013 is not applicable in this case since the deceased employee died in the year 2011. Further Mr. Banerjee cites the Hon'ble Apex Court Judgement reported in (2005) 10 SCC 289 Govind Prakash Verma Vs. Life Insurance Corporation of India in which the Hon'ble Apex Court has held that the family pension and other retiral benefits cannot be included as part of the family income. The relevant portion of the judgement is as under :-

*“In our view, it was wholly irrelevant for the departmental authorities and the learned Single Judge to take into consideration the amount which was being paid as family pension to the widow of the deceased*

*(which amount, according to the appellant, has now been reduced to half) and other amounts paid on account of terminal benefits under the Rules.”*

Mrs. Agarwal prays for adjournment so that by the next date, relevant Apex Court Judgement will be submitted in this regard.

Let the matter appear on **20.09.2022** for “Orders”.

SAYEED AHMED BABA  
MEMBER (A)