

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 – 644 of 2022

SAHADAT HOSSAIN - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. **For the Applicant** : Mr. G. Halder,
and
Date of order Ld. Advocate.

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10.01.2025 **For the Respondents** : Mr. R. K. Mondal,
Ld. Advocate.

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638-WBAT/2J-15/2026 (Pt. -II) dated 23rd November, 2022 issued in exercise of the powers conferred under Section 5 (6) of the learned counsels for the contesting parties, the case is taken up for Administrative Tribunals Act, 1985.

By filing this application, the applicant has prayed for setting aside the impugned order dated 30.07.2022 passed by the Superintendent of police, Nadia. By the memo. No. 374 dated 04.06.2018, the Superintendent of Police conveyed to the applicant the decision of the competent authority regretting his prayer for appointment under compassionate ground. It stated that the applicant has not fulfilled the required conditions as laid down in the Notification No. 251-Emp. Dated 03.12.2013. Jarjish Ali, the father of the applicant died on 04.03.1998 while serving as a Constable under the West Bengal Police. Since at the time of death of his father, the applicant was a minor, his mother preferred a plain paper application on 02.12.1998 praying for appointment for his son, the applicant. Seen in the copy of such a plain paper request made by the mother, the signature and seal of the Police

Office, Krishnanagar, Naida dated 04.06.1999. On 28.01.2014, the applicant himself presented a plain paper application after attaining the age of employment which was followed by submission of the application in the prescribed pro-forma. The proposal was considered by the competent authority in the Department of Home and Hill Affairs and regretted as mentioned in the foregoing paragraphs.

Mr. Halder, learned counsel submits that the applicant was called to appear for PMPET, written exam and interview by the office of the Superintendent of Police on 04.09.2014. Having participated and being successful, the respondent authority rejected his application on the ground of his entitlement as per the Notification No. 251-Emp. Dated 03.12.2013. Such decision of the authority was arbitrary and unfair to the applicant when he was considered for appointment and asked to appear for these tests.

Having heard the submissions of the learned counsels and considering the fact and circumstances of this case, the Tribunal is of the clear opinion that being a minor boy of only three (03) years at the time of death of his father, the applicant had not attained his age of employment. The rules governing the Scheme is clear that a legal heir of the deceased employee applying for such an employment has to be eligible in respect of all the criteria's. The Scheme allows maximum time limit of two (02) years from the date of death of the employee to apply in the prescribed format. It is not in dispute that the applicant being only three (03) years old at the time of death of his father would have attained the age of only five (05) years after the two(02) years time allowed for such an application. It is also not

relevant that the mother had applied on behalf of the minor son, the present applicant. The very spirit of the Scheme is to provide an immediate relief to the family. The Scheme does not vest any right to the family members allowing them such employment even when the applicant is a minor.

Therefore the Tribunal does not find any arbitrary action or illegality in the decision taken by the competent authority in his Memo. 374 Dated 04.06.2018. Therefore, the application devoid of any merit is disposed of without passing any order.

SAYEED AHMED BABA
OFFICIATING CHAIRPERSON & MEMBER(A)

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