

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 – 13 of 2023

Rajatava Bose - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr. S. Mukhopadhyay, Advocate
<u>6</u> 29.02.2024	For the Respondents	: Mrs. S. Agarwal, Advocate

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638 – WBAT / 2J-15/2016 dated 23rd November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

On consent of the learned counsels, the case is taken up for consideration sitting singly.

The applicant has prayed for setting aside the reasoned order of the respondent dated 05.08.2022. The reasoned order rejects the application for compassionate employment on the ground that the applicant was a minor at the time of death of the deceased employee, his father.

Submission of Mr. Mukhopadhyay is that although interviews were held and the Enquiry Committee submitted its report, but the respondent authority rejected the application. Mr. Mukhopadhyay also submits that at the time of consideration of his application on 05.08.2022, the applicant had already attained the age of eligibility for such employment.

Mrs. Agarwal, learned counsel on behalf of the state respondent submits that it is the law as stipulated in 251-Emp and 261-Emp Notifications that the applicant being a minor at the time of death of the employee was not eligible for such employment. The very purpose of compassionate employment is to provide financial stability during the death of the government employee. Further, though the applicant was a minor and thus not eligible but in the family, his mother was eligible for such compassionate employment, provided she met all other eligibility criterias. But, the mother did not apply for herself and rather hoped that such employment will be more gainful for her son, the present applicant.

After hearing the submissions of the learned counsels and perusing the records in

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this application, the Tribunal has observed that the primary reason for rejection given by the state respondent was that the applicant was a minor at the time of death of his father. To be precise, the applicant was only 15 years 9 months and 15 days. The Tribunal has also observed that such ground of rejection relying on Notifications 251-Emp dated 03.12.2013 read with 26-Emp dated 01.03.2016 was not controverted by the applicant's side. It appears that the family of the deceased employee was aware of such rule, therefore, such an application for compassionate employment was preferred when the applicant had attained the age of 18 years. It is also observed that the widow of the deceased employee was eligible for such employment but she did not apply, rather hoped that employment to her son would be better suited for the family. The reasons for rejection were not in dispute and were not challenged by the applicant. In his own application, the applicant prefers only to say that such rejection was "bad in law". From the foregoing observations, it is clear that the applicant was aware of the fact that as a minor he could not have applied for such compassionate employment and was hopeful that such provision in the rules will not effect his chances of getting such an employment at a later stage.

In view of the above observations, the Tribunal finds that the reasons given by the respondents rejecting the application for compassionate employment were valid and within the framework of the law. Therefore, this application is disposed of without passing any orders.

SAYEED AHMED BABA
OFFICIATING CHAIRPERSON & MEMBER(A)

A.K.P