

ORDER SHEET

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 132 OF 2024

SMT. NIDHU RANI ROY & ANOTHER - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. For the Applicants : Mrs. S. Agarwal,
and Advocate
Date of
order

4
13.12.2024 For the State Respondents : Mr. Sankha Ghosh,
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.

By memo No.22 dated 3rd January, 2017, the Director of Personnel and ex-officio Chief Engineer, conveyed the decision of the Department regretting the proposal for an employment under compassionate ground to the applicant. In this communication, the primary reason for rejection was shown as delayed submission of the application after more than eight years from the date of death of the employee. The father of the applicant, Sukumar Chandra Roy, was an Upper Division Clerk in the office of the Assistant Engineer (A-M), Alipurduar, who expired while in service on 28.04.1999. As per the statement of the applicants, soon after the death of the employee, the mother prayed for a compassionate appointment in favour of her youngest son, Apurba Roy which was forwarded by the Superintending Engineer (A-M), Siliguri to the Director of Personnel & ex-officio Chief Engineer. The applicants also stated that due to strained family relations, it was decided that Tapan Roy, the applicant No.2 and the elder son would seek such an appointment. Accordingly, the applicant No.1, Tapan Roy applied by filing a plain paper application. Copies of such applications filed by such applicants are not available in this application.

Having heard the submissions and after perusal of the records in this application, it is clear to this Tribunal that the applicant had furnished a prayer for compassionate employment long after the death of the deceased employee.

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Though copies of the applications are not available in this application, but as stated by the applicant and submitted by his learned counsel, it is agreed that after the death of the employee on 28.04.1999, the mother had applied on behalf of Tapan Roy on 30.08.2006. As per extant rules, the time to submit an application in proforma is within two years from the date of death of the employee. Since such an application was furnished much later, the respondent authorities were correct in regretting the same under the relevant guideline of the scheme. The Tribunal does not find any reason to interfere with the decision of the respondent authority.

Thus, the application, being devoid of any merit, is disposed of without any order.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON
and MEMBER (A)