

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 197 OF 2025

SUBRATA HEMBRAM - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No.	For the Applicant	:	None
and Date of order	For the State Respondents	:	Mr. Gautam Pathak Banerjee, Learned Advocate

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19.06.2025 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.

The prayer in this application is for a direction to the respondent authorities to issue appointment letter in favour of the applicant on compassionate ground by setting aside the impugned order No.2503 dated 21.09.2023 passed by the Special Secretary, Home & Hill Affairs Department.

The father of the applicant, Majendra Nath Hembram, who worked as a Constable of South East Division under Kolkata Police, died on 06.06.2012. As per the learned advocate for the applicant, soon after the death of the employee, the applicant's mother submitted a plain paper application for compassionate employment on behalf of her son, the applicant, Subrata Hembram. At the time of death of the deceased father, the applicant was a minor of 14 years one month and 1 day. By way of a declaration in an affidavit, the other legal heirs of the government employee had given no objection in favour of the applicant. After attaining majority, on 13.07.2018, he appeared for physical measurement test, physical efficiency test, written test and interview. On 20.12.2022 and 28.07.2023, he submitted his representations before the respondent authorities. By memo No.2503 dated 21.09.2023, the Special Secretary, Home & Hill Affairs Department conveyed the decision of the Department to the Commissioner of Police, Kolkata regretting the prayer of the applicant for an employment under compassionate ground. The primary reason given for such regret was that Subrata Hembram, the applicant, was a minor boy of only 14 years 1 month and 1 day at the time of death of his deceased father.

ORDER SHEET

Form No.

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It has not been disputed by the applicant's side that the applicant was a minor boy of only 14 years at the time of death of his deceased father on 06.06.2012. Although at the district level, the officials processed his case by calling him to submit documents and even asking him to appear for an interview, but the fact remains that as a minor boy at the relevant point of time, he was not entitled for an appointment under compassionate ground. The Rules governing the scheme under Notification No.251-Emp, dated 03.12.2013 and Notification 26-Emp dated 01.02.2016 of the Labour Department required the applicant not only to furnish the prayer for compassionate employment within two years from the date of death of the employee, but such applicant should have attained the age of employment as well. He would still be 16 years and one month old if this two years' extended time from the date of death is to be considered. Therefore, as a minor at the time of death of his father and remaining a minor even after 2 years from such date of death, the applicant was not eligible for an employment under compassionate ground.

From the above observations, the Tribunal comes to the conclusion that the respondent authority was correct in not considering a compassionate employment in favour of the applicant. The ground of such rejection given in the impugned memo No.2503 dated 21.09.2023 was valid and very much within the framework of the guidelines laid down for employment under compassionate ground. Thus, finding no merit, this application is disposed of without passing any orders.

SCN.

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