

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 – 373 of 2023**

**Prasanna Kumar Mondal - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. For the Applicant : None

and

Date of order

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04.07.2024 For the Respondents : Mr. G.P. Banerjee,  
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 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

The applicant has filed this application praying for quashing and setting aside the impugned Memo dated 24.03.2023. By this reference, the proposal for an employment under compassionate ground was not agreed by the respondent authorities. The primary reason for such regret was that the applicant as on 24.03.2023 had already crossed the age of 59, therefore, it would be 'meaningless' since he would be attaining the age of superannuation within a short period of time.

The father of the applicant, late Tarapada Mondal, a Pharmacist had died in service on 26.06.1996. After a long protracted litigation, the dispute between the applicant and his step-mother was finally settled with a compromise agreement. But copy of such agreement is not annexed with this application. A copy of speaking order passed by the Director of Health Services on 20-1998 had also regretted his application for compassionate employment "until one Title Suit is disposed of and the legal heirship is settled by the learned court".

After examination of the records and hearing the submissions of the learned counsels, it has become apparent that though the deceased employee had died in 1996 but due to a family dispute, the legal heirship was not settled amicably. Application for employment under compassionate ground is also restricted in time. In this application the Tribunal did not find neither copy of such application made before the respondent authority nor any mention about when such an application was furnished by the applicant. The applicant has only agitated in this application that the impugned Memo dated 24.03.2023 regretting his prayer for compassionate employment is bad in law. The fact that he had already crossed the admissible age at the time of consideration of

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his application has not been disputed by the applicant. On this day, the applicant has already crossed the age of 60. The Tribunal also does not find any laches on part of the respondent authorities in considering his application. Since the Tribunal did not find any mention and copy of his application for compassionate employment, therefore, it would not be fair to blame the respondent authorities for delay. Further, the Scheme for compassionate employment requires examination of certain other eligibility criterias. For instance, it has to be satisfied that due to death of the deceased employee, the family is passing through serious financial difficulties. In this case, the deceased employee had died in the year 1996 and no description has been given by the applicant describing the financial difficulties he has faced after death of his father. Finally, compassionate appointment is not a vested right in the family and such employment cannot be offered only for the reason that the applicant was son of the deceased employee. In this case, after an examination of the records, the Tribunal is not satisfied that the conditions required to be eligible for such appointment have been fulfilled by the applicant. Therefore, devoid of any merit in this application, it is disposed of without passing any orders.

SAYEED AHMED BABA  
OFFICIATING CHAIRPERSON & MEMBER(A)

A.K.P