

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 39 OF 2023

PRIOBRATA ROY - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. For the Applicant : None
and
Date of For the State Respondents : Mrs. Sunita Agarwal,
order Advocate

5
04.04.2024

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.

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

By Memo No.Estt./Gr-“D”/Comp./2355/EMP/I dated 20.11.2019, the Chief Medical Officer of Health, Purba Bardhaman informed the applicant the decision of the competent authority regretting his application for employment on compassionate ground. Such rejection was on the ground that an application for compassionate employment was made after 11 years from the date of death of the deceased employee. The deceased employee and father of the applicant, Ramakanta Roy, a G.D.A. at Singot Rural Hospital, Burdwan had died on 22.02.2006. The applicant through his representation had reminded the respondent authorities that soon after the death of his father, his mother had furnished an application for such employment and this was not taken into consideration while passing the impugned memo. A copy of a typed application dated 11.04.2013 is available in this application in which she had prayed for an employment in favour of her youngest son, the applicant. Such an application was made after a lapse of seven years from the date of death of the deceased employee. The applicant's date of birth being 05.10.1994, was a minor of 11 years 4 months and 17 days at the time of his father's death. A copy of proforma application signed by the applicant on 27.12.2017 appears to have been submitted when the applicant was still a minor

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of 11 years 10 months and 5 days.

From the above records, it has become clear that the applicant was a minor at the time of death of his father and thus had not attained the age of employment. Though the Rules allow upto 2 years time to submit an application, but even if considered, the applicant remained a minor. Submitting an application after lapse of 11 years from the date of death of the deceased employee, his application was invalid and inadmissible. It is a well established Rule that compassionate employment is only a goodwill gesture extended by the State to the family through an employment provided somebody in the family, being eligible, applies within the prescribed time. In this case, though others may have been eligible, but this applicant, being a minor, was not entitled for such employment. It cannot be expected that offer for such employment remains open till the applicant attains the age of employment, in this case 11 years.

Therefore, finding no merit in the prayer in this application, the Tribunal disposes of this application without passing any orders.

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

SCN.