

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Administrative Member

Case No. –OA 430 OF 2022

BIJAY KUMAR MAHATO & ANR. - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. For the Applicant : Mrs. Sunita Agarwal,
and Advocate
Date of For the State Respondents : Mr. Gautam Pathak Banerjee,
order Advocate

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09.01.2023

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 contesting parties, the case is taken up for consideration sitting singly.

In this application, the prayer is for setting aside the impugned order of the respondent rejecting the prayer for compassionate employment. In brief, after the death of the deceased employee, the widow submitted a plain paper application praying for employment on behalf of her son, who was six years old then.

Mrs. Sunita Agarwal, learned advocate for the applicant submits that the respondents should have considered and decided upon her application when it was made soon after the death of the deceased employee. Moreover, the impugned order which has rejected the prayer lacks clarity and rejects it by simply quoting a government notification.

Mr. Gautam Pathak Banerjee, learned advocate defending the action taken by the respondents, submits that both at the time of submitting the application and at the time of considering and passing the impugned order, the applicant, Bijay Kumar Mahato, was a minor. It is a well-settled law that the minors of a deceased employee are not eligible for taking up a compassionate employment. In this case, he emphasised, that the widow was eligible, entitled and could have applied for herself.

After hearing the submissions and referring to relevant apex court

ORDER SHEET

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judgements, I am of the view that the applicant, being a minor, even on the day of passing of the impugned order is not eligible for being considered under compassionate employment scheme. The very spirit of the scheme is to provide immediate economic relief to the family in distress by providing a job in the government. The very fact that the family could sustain itself till now without any support from the government is enough proof that it could stand on its own. Thus, finding no merit, this matter is dismissed with no order as to costs.

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

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