

**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 – 499 of 2023**

**Samaresh Chowdhury- VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. and Date of order	For the Applicant	: Mr. G.P. Banerjee, Learned Advocate
<u>4</u> 19.02.2025	For the Respondents	: Mrs. S. Agarwal, Learned 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 prayer in this application is for setting aside the impugned notice no. 1532 dated 14.10.2022. The impugned order rejected the application for appointment under compassionate ground for the reason that the applicant was a minor of only 7 years 9 months and 14 days at the time of death of his deceased father, the employee.

This application has been filed praying for setting aside the impugned Memo 1532 dated 14.10.2022. The Commissioner of Police, Kolkata by this Memo communicated to the mother of the applicant that a prayer for compassionate employment in favour of her son cannot be considered on the ground that he was a minor boy of only 7 years 9 months and 14 days at the time of death of her husband. Sukanta Chowdhury, a Sepoy under Kolkata Armed Police had died in a road accident on 06.04.2010. Barnali Chowdhury, the widow and mother of the applicant had furnished a plain paper application on 03.05.2010 praying for employment for her son, Samaresh Chowdhury on compassionate ground. The fact of the applicant being a minor at the time of death of his father is not in dispute. In fact, the mother in her plain paper application had prayed for her minor son's employment "after attaining stipulated age". The guidelines of the Scheme has laid down in Notification 251-EMP dated 03.12.2013 read with Notification 26-EMP dated 01.03.2016 makes it clear and requires an applicant for such an employment to have attained the age of appointment. Since the applicant was a minor boy at the time of death of his father and since he was

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not entitled for such an appointment, Tribunal dos not find any reason to consider the prayer in this application for setting aside the impugned Memo passed by Commissioner of Police rejecting the prayer for compassionate employment. Therefore, this application devoid of any merit is disposed of without passing any orders.

**SAYEED AHMED BABA  
OFFICIATING CHAIRPERSON & MEMBER(A)**

A.K.P.