

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 510 OF 2023

PRABIR RANJAN BHATTACHARJEE - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. For the Applicants : Mr. Saurav Bhattacharjee,
and Advocate
Date of For the State Respondents : Mr. Sankha Ghosh,
order Advocate

3
01.04.2024

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.

This application has been filed, challenging the impugned Memo No.73-PW/O/Works(ECG)-5P-03/2017 dated 15.03.2023 passed by the Joint Secretary, P.W.D. It appears that the impugned communication informs the Superintending Engineer, National Highway Circle – III, Public Works (Roads) Directorate that the proposal for appointment on compassionate ground of the applicant has been rejected due to the reason that the applicant was a minor at the time of death of the deceased employee. The deceased employee, Pradip Ranjan Bhattacharjee, died in harness on 11.05.2007 while working as a Lower Division Clerk in National Highway Division No.XI. His son, the present applicant submitted his representation on 17.07.2007 and proforma application on 04.08.2008 before the respondent authority. The Superintending Engineer, N.H. Circle No.III/SLG forwarded his proforma application on 11.02.2009.

Mr. Bhattacharjee submits that though the applicant submitted representations and proforma applications time and again and the Three-Men Committee recommended his case on 27.01.2009 for consideration, the respondent authority kept consideration of the same pending. On 15.03.2023, the respondent authority rejected the application on the ground that the applicant was minor at the

ORDER SHEET

Form No.

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time of death of the deceased employee. Submission is that the applicant submitted his first Proforma Application on 04.08.2008, which is within the time frame. On 14.12.2015, the second Proforma Application was submitted, which is after five years. As per Notification No. 26-Emp. Dated 01.03.2016 the applicant is eligible to get the benefit.

Since the reasons given while rejecting the application are no more valid in the light of above facts and notifications, the Tribunal quashes and sets aside the impugned Memo No.73-PW/O/Works(ECG)-5P-03/2017 dated 15.03.2023 of respondent No.3, the Joint Secretary, P.W.D., with a direction to the said respondent to reconsider the application for compassionate employment of the applicant in the light of the above notifications within six months from the date of communication of this order.

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

SCN.

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