

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 – 524 of 2023

Sudarshan Saren - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mrs. S. Das, Advocate
<u>3</u> 14.03.2024	For the Respondents	: Mr. G.Halder, 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 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, the case is taken up for consideration sitting singly.

The father of the applicant, deceased Kalachand Saren, a Head Constable died on 25.12.1992 while in service. Soon thereafter and within the time allowed, the widow and mother of this applicant, Fulmani Saren prayed for herself a post under compassionate appointment. At the relevant point of time, when the deceased employee died, the applicant was minor of only four years old. Later, due to medical reasons, the mother could not proceed with her application and prayed for such an employment for the applicant. The present applicant having attained the age of appointment applied for himself for such a compassionate employment on 30.09.2010. Such proposal not being considered, the applicant had filed an application before this Tribunal, being O.A. – 300 of 2019. The Tribunal after hearing the matter directed the respondent authorities to take a final decision by way of a reasoned order. A reasoned order was passed and after consideration of the matter, the prayer was rejected primarily on the ground that the applicant was a minor at the time of death of the deceased employee. This reasoned order is being assailed before this Tribunal in this application.

After hearing the submissions of the learned counsels and on examination of the records, it is clear and not disputed that the applicant was a minor at the time of death of his father. Though soon after the death of the deceased employee, Fulmani Saren, widow had applied for compassionate employment but later on 13.12.1999, she revised this application and now prayed for her son, the present applicant, Sudarshan Saren. The reason for such change was, as claimed, due to medical ailments of the mother but

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surprisingly she had not furnished any medical records to substantiate this reason. It has become now clear to the Tribunal that though the mother had applied and was eligible but as an afterthought, she decided to reapply in the name of her son when he had attained the age of appointment. It was only on 30.09.2010, the applicant having attained the age of appointment submitted his application.

From the foregoing observations, the Tribunal has the clear impression that the mother withdrew her application to allow her son to benefit from such compassionate employment. Such realisation and submission of the application after 18 years from the date of death of the deceased employee is not admissible under the Scheme for compassionate employment. Therefore, considering the above observations and not finding any merit in this prayer, this application is disposed of without passing any orders.

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

A.K.P