

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 –535 of 2022

Akash Mahato - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mrs. S. Mitra, Advocate
<u>3</u> 06.12.2022	For the Respondents	: Mr. S. K. Mondal, 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 for the contesting parties, the case is taken up for consideration sitting singly.

Affidavit of service has been filed. Let it be kept on record.

The matter is admitted.

In this application, the prayer is for setting aside the impugned order of the respondent rejecting the application for compassionate employment on the ground that the applicant as the grand-son of the deceased employee is not eligible under the Rules, in particular, Notification No. 251-EMP and subsequent amendments. Mrs. S. Mitra submits that although the applicant as a grand-son may not be eligible under the relevant rules but the condition of the family preceeding the application may be considered. It appears soon after the death of the deceased employee on 22.11.2013, the applicant's mother, Astomi Mahato applied for compassionate employment. Unfortunately, while her application was being processed for

ORDER SHEET

Form No.

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approval, she died. Earlier the applicant's father had also died, leaving the family only with the grand-son, the present applicant being capable to support the family in this hour of need. Given the distress, the family went through after the death of the deceased employee and later both the parents, Mrs. S. Mitra prays for a direction to the authority for considering the application of the applicant afresh and with full sympathy.

Mr. S.K. Mondal, learned counsel for the respondent submits that it is true that while the application for compassionate employment from Astomi Mahat, mother of the applicant was being processed she died and also the father of the applicant, the son of the deceased employee had also died. Due to relevant Rules, not supporting compassionate employment for a grandchild, the respondent had no option but to reject.

After considering the submission of the learned counsels and the facts and circumstances of this matter, I am inclined to direct the respondent to reconsider the application of the applicant. However, at this stage, Mrs. S. Mitra prays for time so that she will be in a position to submit relevant Apex Court's judgement on similar situation by the next date.

Let the matter appear under the heading 'For Orders' on 06.01.2023.

SAYEED AHMED BABA
OFFICIATING CHAIRPERSON & MEMBER(A)

A.K.P