

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 – 535 of 2023

Tandra Dey Bhowmik- VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Ms. Anita Shaw, Learned Advocate
<u>5</u> 19.02.2025	For the Respondents	: Mr. G.P. Banerjee, Mr. D. Koley, Learned Advocates

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.

The application for employment on compassionate ground was rejected primarily on the ground that the total monthly income of the family exceeds 90% of the gross monthly salary drawn by the deceased employee. As per this impugned order, the total salary of the family comes to 102.45% above the gross monthly salary of the deceased employee. Mr. Banerjee, learned counsels presents a copy of the financial calculation sheet before this Tribunal.

The figures recorded in the calculation sheet presented by the respondent authority shows Rs. 25,714/- as the gross monthly salary drawn by the deceased employee, which compared to the total monthly income of the family which has been shown as Rs. 26,344/- is 102.45%. The figures shown as source of income by the family has not been disagreed by the applicant's side. Thus, it is accepted that the total monthly income of the family has exceeded 90% of the gross salary last drawn by the deceased employee. Though not disputing the figures shown as income of the family, Ms. Shaw, learned counsel points out that the Three-men Screening-cum-Enquiry Committee had recommended an employment under compassionate ground against the vacancy reserved for general category.

Having heard the submissions of the learned counsels and after examination of the documents in this application, the Tribunal finds that the respondent authority has very clearly and specific figures have shown that the total family income has exceeded the last gross salary drawn by the deceased employee. Further, these figures have not been controverted or challenged by the applicant's side. The contention of Ms. Shaw is

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that the Committee had recommended such an employment is not a valid ground for the respondent authority to decide in offering such an employment. The final decision in this matter rests with the head of the department the Committee's recommendation may or may not be considered. Thus, having come to the conclusion that the total monthly income earned by the family has exceeded 90% of the gross salary drawn by the employee, the Tribunal does not find any inconsistency and wrong doing in rejecting the prayer of the applicant for an employee under compassionate ground. With the above observations, this application is disposed of without passing any orders.

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

A.K.P.