

**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-545 of 2022**

**Tapan Das VERSUS – The State of West Bengal & Ors..**

Serial No. and  
Date of order

For the Applicant : Mr. S. K. Rath,  
Mr. M.K. Sadhu,  
Learned Advocates.

03  
15.12.2022

For the State  
Respondents : Mr. S.N. Roy,  
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 (Pt.-II) dated 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

On consent of the learned counsel for the contesting parties the case is taken up for consideration sitting singly.

In this application the prayer is for setting aside the impugned order of the respondent rejecting the application for compassionate employment. It appears that the Enquiry Committee noted that the total monthly income of the family at Rs. 17010/- is below 90% of the gross salary of the deceased employee and also considering the applicant has no residential house and no other source of income, the Committee comprising 3 (three) Dy. C.M.O.Hs of Birbhum recommended that the applicant is eligible for Group-C service on compassionate ground. However, as submitted by the learned counsel, the application for compassionate employment was finally rejected on the ground that the applicant's father and elder brother are government

employees so the question of family suffering through financial distress is not correct.

Learned counsel for the applicant submits that the applicant does not live with other family members nor dependent on their income. Therefore, the ground taken by the respondent for rejecting this application is not correct. Moreover, the Enquiry Committee had submitted a detailed financial statement and certified that the applicant's income falls below 90% and is eligible for compassionate employment. The learned counsel prays for a direction on the respondent to reconsider the rejection order on the above two grounds.

After hearing both the learned counsels and considering the facts and circumstances, the matter is disposed of by directing the Respondent No. 2 (ii) The Director of Health Services, West Bengal to pass a reasoned order after reconsidering the submissions and observations made by the 3 (Three) Men Enquiry Committee and also the submission of the applicant that he does not reside with other family members and not dependent on them within a period of period of twelve weeks from the date of communication of this order and the same shall be communicated to the applicant within a period of two weeks thereafter.

Accordingly, OA is disposed of.

sc

SAYEED AHMED BABA  
OFFICIATING CHAIRPERSON & MEMBER(A)