

**ORDER SHEET**

**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 570 OF 2022**

**MANAB MANDAL & ANR. - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. For the Applicant : Mr. Y. Ali,  
and Advocate  
Date of order For the State Respondents : Mrs. Sonali Mitra,  
Advocate

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04.07.2024

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 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under section 5(6) of the Administrative Tribunals Act, 1985.

By reference dated 20<sup>th</sup> May, 2022 the Department of Home and Hill Affairs informed the Commissioner of Police, Kolkata that the proposal for an appointment under compassionate ground for Manab Mandal could not be agreed to. The Department found that the applicant had not attained the eligible age for government service within the stipulated period of two years from the date of death of the deceased employee. This impugned reference rejecting the prayer for compassionate employment is being assailed in this application before the Tribunal.

The father of the applicant, Niranjana Mandal was a Constable with Kolkata Police and had expired while in service on 22.06.2013. A copy of plain paper application from the mother of the applicant, Kalpana Mandal appears to have been received by the office of Commissioner of Police on 13.09.2017. But her own application was replaced by the son, the applicant, who furnished a plain paper application on 16.02.2018 on the ground that the mother was not feeling well. As part of the process, the applicant was asked to appear before a Selection Board on 14.06.2019 to undergo his written / interview / PMT/ PET. Though the applicant claims he was successful in these tests, but there is no record in this application to prove the same.

From the submissions of the learned counsels and the records it is understood that the applicant was a minor of 13 years 3 months and 7 days at the time his father died. Being a minor he was not eligible for a compassionate employment. By filing an application later when he attained the age of employment does not controvert the fact that as a minor at the relevant point of time, he was not eligible. Further, an eligible person can submit such an application for compassionate employment within two years from the date of death of the employee. The applicant had submitted a belated plain paper application for such an employment on 16.02.2018, which was not a valid application. His application also could not

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be covered under 10(aa) of Notification 251-Emp which allows the submission time upto 5 years.

Having heard the counsels and after examination of the records, the Tribunal is satisfied with the decision of the respondent authority that the applicant, being a minor at the time of death of his father and for submitting a belated application was not eligible for such an employment. Therefore, finding no merit in this application, the same is disposed of without passing any orders.

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

SCN.

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