

**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 66 of 2025**

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

Serial No. and  
Date of order

For the Applicant : Mrs. S. Agarwal,  
Ld. Advocate.  
For the State Respondents : Mr. A.K. Das Sinha,  
Ld. Advocate.  
For the Pr. AG (A&E), WB : Mr. B. Mitra,  
Ld. Depttl. Rep.

05  
02.09.2025

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.

The applicant has prayed for setting aside the impugned rejection order dated 31.07.2024 passed by the Deputy Director of Sericulture, Murshidabad.

The prayer of the applicant for appointment under compassionate ground was rejected on the plea that he had submitted his proforma application on 04.11.2022, nearly 2 years 10 months after the death of the employee. Late Dhananjoy Roy, a Resham Karmee under the Deputy Director of Sericulture, Murshidabad had died on 01.01.2020 while in service. It is not in dispute that Tapan Roy, son of the deceased and the applicant had furnished his proforma application on 04.11.2022, after 2 years 10 months from the date of death of his father. The rules governing the Scheme contained in 251-Emp. dated 03.12.2013 and in 26-Emp. dated 01.03.2016 requires an applicant to submit his prayer in the prescribed proforma application within two years from the date of death of the employee.

Mrs. Mitra, learned counsel has been arguing that the Hon'ble Apex Court had relaxed this period for the purpose of limitation. Besides, due to the restrictions imposed in view of Covid-19 pandemic, the applicant was not in a position to furnish the proforma application before the office of the respondent authority. It can also be appreciated that due to lock downs on several days the offices were also closed.

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The Tribunal is satisfied that the applicant's case very well fits into the directions of the Hon'ble Supreme Court and his prayer well deserves to be considered afresh. The delay in submission of proforma application needs to be viewed in view of Hon'ble Supreme Court's order. Thus, the Tribunal finds that the ground for rejecting the prayer of delayed submission of proforma application given by the respondent authorities is not tenable and, therefore, it is quashable and quashed with a further direction to the respondent no. 3, the Commissioner of Textile & Sericulture to reconsider the application of the applicant for an appointment under compassionate ground in view of Hon'ble Supreme Court's order passed in Suo Motu Writ Petition (C) No. 3 of 2020. Such reconsideration be completed within a period of three (03) months from the date communication of this order and the final decision be communicated to the applicant within two (02) weeks thereafter.

Accordingly, this application is **disposed of**.

**SAYEED AHMED BABA**  
**Officiating Chairperson & Member (A)**

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