

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 679 OF 2023

SANANDA GUIN - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. For the Applicants : Mr. Manujendra Narayan Roy,
and Advocate
Date of For the State Respondents : Mr. G.P. Banerjee,
order Advocate

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07.12.2023

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 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 parties, the case is taken up for consideration sitting singly.

The applicant has prayed for setting aside the impugned order of Sub-Divisional Officer, Contai, Purba Medinipur dated 12.09.2023.

On examination of this impugned order, it appears that the Sub-Divisional Officer, Contai, rejected the application for employment under compassionate ground on the reason that such an application was filed after six months from the death of her mother, the deceased employee. The applicant being a married daughter also appears to be another reason relied on by the same respondents.

Appearing for the applicant, Mr. Manujendra Narayan Roy, learned counsel refers to the relevant Notifications and Hon'ble Apex Court judgements in this matter and submits that the impugned order, considering these, had rejected the application. On examination of Emp-26 dated 1st March, 2016, it appears the new time line amending the previous ones allows an applicant to file an application for compassionate employment within two years from the date of death of the employee. The impugned order had rejected the application on the ground that such an application was not made within six months from the date of death of the deceased employee. On examination of Notification No.Labr/419/Law dated 04.11.2022, appearing at serial No.1, the law now allows a daughter, whether

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married, unmarried or divorced, to be eligible to apply for employment under compassionate ground.

Since the reasons given while rejecting the application are no more valid in the light of above notifications, the Tribunal quashes and sets aside the impugned order dated 12.09.2023 of respondent No.4, the Sub-Divisional Officer, Contai, with a direction to the said respondent to reconsider the application for compassionate employment of the applicant in the light of the above notifications within twelve weeks from the date of communication of this order.

SCN.

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

WEST BENGAL ADMINISTRATIVE TRIBUNAL