

**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 – 717 of 2023**

**Sanjib Sardar & Another - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. For the Applicants : None

and

Date of order

4

04.07.2024 For the Respondents : Mr. G. Halder,  
Advocate

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638 – WBAT / 2J-15/2016 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 filed this application praying for setting aside the impugned reasoned order No. 2264 dated 23.08.2023 passed by Additional Chief Secretary, Department of Animal Resources Development. In terms of a direction of this Tribunal in O.A. 690 of 2022, such a speaking order was passed. The matter relates to prayer of the applicant for offering him an employment under compassionate ground. The respondent authority having examined the various provisions of the Notifications came to the conclusion that the applicant's application was a belated application. In normal circumstances, as provided by the Scheme, such application should have been preferred before the respondents' office within two years from the date of death of employee. The deceased employee, Kalipada Sardar had expired on 24.04.2010 while serving at Gowala, Behala. The mother of the applicant had submitted an application for such an employment for her son, the present applicant on 14.06.2010, which was within the admissible period of application. A copy of this application is found in this application with an illegible print of a stamp of receipt dated 14.06.2010. The proforma application was submitted on 28.12.2012, delayed by 8 months and 4 days from the date of death of his father. Although Clause 10(b)(b) of Notification 26-EMP allows an extended period for such application to be made within 5 years but the applicant does not appear to have met any of the conditions attached to such provision. As per the proforma application, the applicant's date of birth being 15.11.1997 was 32 years 5 months and 9 days old when his father died. It is not understood why being eligible at the time, the applicant did not feel it necessary to apply for such an employment within the stipulated time. The Scheme for compassionate employment itself is a need-based Scheme. It is

**ORDER SHEET**

Form No.

**Sanjib Sardar & Another**

**Vs.**

Case No **OA – 717 of 2023**

**THE STATE OF WEST BENGAL & ORS.**

---

neither a privilege nor a vested right of the family of the deceased employee to claim such an employment. Due to the sudden death of the employee, if the family is thrown into total financial despair and requires urgent help then only members of the family become entitled for compassionate employment. But in this case, such a crisis does not seem to have been faced by the family, nor was there any urgency and realisation to apply for such appointment within two years by the applicant.

Having heard the submissions of the learned counsels and examined closely the records in this application, the Tribunal is not able to be satisfied to allow the prayer in this application. Finding no merit, this application is disposed of without passing any orders.

SAYEED AHMED BABA  
OFFICIATING CHAIRPERSON & MEMBER(A)

A.K.P