

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 793 OF 2023

RAGHUNATH MARDI - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No.	For the Applicant	:	Mrs. Priya Sasmal,
and			Learned Advocate
Date of			
order	For the State Respondents	:	Mr. Shaon Bhattacharya,
			Learned Advocate

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07.08.2025

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

The prayer in this application is for a direction to the respondent authorities to give an employment under compassionate ground after setting aside the rejection order No.125 dated 18.04.2023 issued by the Joint Secretary, Public Works Department on the primary ground that the application was filed after more than two years from the date of death of the deceased government employee and at the time of consideration of his application, the applicant was over aged.

The father of the applicant, Vaya Mardy, a Road Majdoor attached to Burdwan North Highway Division under Western Highway Circle-I, Public Works (Roads) Directorate, died in harness on 10.03.2006. Lakhi Mandy, the first wife died in the year 1993 and Rashmoni Mardy, the second wife of the deceased employee received the retiral benefits. It is submitted by the learned counsel for the applicant that on 20.09.2017, the Executive Engineer, Burdwan North Highway Division issued a letter to one Jagannath Mardy, elder brother of the applicant to submit all relevant documents. On 17.01.2018 the Executive Engineer, Burdwan North Highway Division forwarded the relevant documents to the Superintending Engineer, Western Highway Circle No.I for appointment under compassionate ground in favour of the applicant. The proforma application was submitted by the applicant on 26.11.2018. It is submitted that after enquiry, the Enquiry-cum-screening Committee submitted its report. By way of filing O.A. 38 of 2023, the applicant approached this Tribunal. During pendency of the application before the Tribunal, the Joint Secretary of the Public Works Department, by his memo No.125 dated 18.04.2023, rejected the prayer of the applicant in terms of Notification No.251-Emp, dated 03.12.2013 and No.26-Emp, dated 01.03.2016 of the Labour Department, on the ground that the applicant

ORDER SHEET

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“had applied for appointment on compassionate ground in proforma on 26.11.2018 i.e. after more than 2 years from the date of death of the deceased Government Employee.....the date of birth of the applicant is 25.01.1968. So at the time of death of the deceased employee the applicant was major.the present age of the applicant is 55 years 02 months ”.

From examination of the records, it is evident to the Tribunal that the applicant had applied for appointment on compassionate ground in proforma on 26.11.2018 i.e. after more than 2 years from the date of death of the deceased Government Employee. The date of birth of the applicant, being 25.01.1968 at the time of death of the deceased employee and having been major, the applicant did not apply. At the time of passing the impugned order, the age of the applicant was 55 years 02 months. The Rules governing the scheme under Notification No.251-Emp, dated 03.12.2013 and Notification 26-Emp dated 01.02.2016 of the Labour Department required the applicant not only to furnish the prayer for compassionate employment within two years from the date of death of the employee, but such applicant should have attained the age of employment as well.

From the above observations, the Tribunal comes to the conclusion that the respondent authority was correct in not considering a compassionate employment in favour of the applicant. The ground of such rejection given in the impugned memo No.125 dated 18.04.2023 was valid and very much within the framework of the guidelines laid down for employment under compassionate ground. Thus, finding no merit, this application is disposed of without passing any orders.

SCN.

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