

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 809 OF 2022

SMT. ARCHANA MITRA & ANR. - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No.	For the Applicant	:	None
and Date of order	For the State Respondents	:	Mrs. Sonali Mitra, Learned Advocate

The matter is taken up by the Single Bench pursuant to the order contained in the
8
07.08.2025 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 setting aside the impugned order No.969 dated
22.08.2022 rejecting the application for employment under compassionate ground.

The husband of the applicant No.1, Biswanath Mitra, who worked as a Constable of
Sealdah, Government Railway Police (GRP), had died on 14.09.2005. Two radiogram
messages were sent by the S.R.P. Sealdah to the I/C Ghola P.S. North 24 Parganas on
14.03.2007 and 01.08.2008 respectively intimating the applicant to appear at the Reserve
Office, Sealdah G.R.P. Later a proposal for employment under compassionate ground to
the post of Group 'D' was sent by the Sealdah GRP to the Assistant Secretary, Home and
Hill Affairs Department, Police Establishment Branch on 17.05.2018. On 28.04.2021, the
Deputy Superintendent of Police (Headquarters), GRP, Sealdah intimated the applicant
that her prayer for compassionate employment had been regretted by an order No.1933
dated 03.11.2020, issued by the Commissioner, Home & Hill Affairs Department, Police
Establishment Branch. It was regretted on the ground that "*the 1st prayer was submitted
after a lapse of 2 years 11 months 14 days from the date of death of the deceased
employee*" and the applicant did not fulfil the guideline contained in Notification No.251-
Emp, dated 03.12.2013 of the Labour Department. The applicant approached the Tribunal.
By its order dated 10.12.2021 passed in O.A. 720 of 2021, the Tribunal directed the
Additional Secretary, Home and Hill Affairs Department, Police Establishment Branch to
consider the matter afresh and pass a reasoned order. The Additional Secretary, after
hearing the applicant on 15.06.2022, rejected her application by its order No.969 dated
22.08.2022 on the following grounds:

"the son of the deceased employee Sri Billajit Mitra first applied for

ORDER SHEET

Form No.

SMT. ARCHANA MITRA & ANR.

Vs.

Case No. - OA 809 OF 2022

THE STATE OF WEST BENGAL & ORS.

compassionate appointment (after 02 years and 11 months) from the date of death of his father and his case was considered and rejected. Later the present applicant Smt. Archana Mitra filed application (on 02.11.2017, i.e. after a gap of 10 years from the death of her husband) in lieu of earlier rejected application of her son (Sri Billajit Mitra).

Having heard the submissions of the learned counsels and on perusal of the records, the Tribunal comes to the conclusion that the applicant No.2 was a minor at the time of death of his father. He applied after 2 years and 11 months. The applicant No.1, the mother applied after 10 years. The necessary requirement in Notification No.251-Emp, dated 03.12.2013 of the Labour Department has not been fulfilled. An application for compassionate appointment cannot be made on a trial-and-error basis. The respondent authority was correct in not considering a compassionate employment for either of the applicants. The impugned memo No.969 dated 22.08.2022, issued by the respondent authority is elaborate and the grounds of such rejection were valid and very much within the framework of the guidelines laid down for employment under compassionate ground. Thus, finding no merit in this application, it is disposed of without passing any orders.

SCN.

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