

**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 – 830 of 2023**

**Manik Pasman- VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. For the Applicant : Mr. Sourav Bhattacharjee,  
and Advocate  
Date of order  
4  
19.02.2025 For the Respondents : Mr. G.P. Banerjee,  
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.

In terms of a direction of this Tribunal passed in an order dated 15.06.2023 in O.A. 1066 of 2017, Commissioner of Textile and Sericulture passed a reasoned order dated 3<sup>rd</sup> August, 2023. This reasoned order is being assailed by the applicant before this Tribunal in this application. The matter relates to a prayer of the applicant praying for compassionate employment which has been regretted by the respondent authority on the ground that such prayer was made four years after the death of the deceased employee. Late Parameswar Pasman, a Resham Karmee at Hemtabad, Sericulture Composite Unit Hemtabad, Uttar Dinajpur had died while in service on 12.03.2012. The present applicant, Manik Pasman is the son of the deceased employee and has prayed for an employment under compassionate ground for herself. The applicant states in this application that his mother, Dipali Pasman had furnished a plain paper application before Joint Director of Textiles (Sericulture), Siliguri on 08.09.2016 seeking an appointment in favour of her son, the applicant. Although the primary ground relied by the respondents in rejecting the application was that such an application was filed belatedly after four years from the date of death of the employee, but the applicant argues that in terms of Notification 26-EMP dated 01.03.2016, an extended time limit for five years ought to have been considered.

The fact that an application for compassionate employment was filed on 08.09.2016, four years after the death of the employee is an expected fact and not contradicted by the applicant's side. In terms of Notification 251-EMP dated 03.12.2013 is a family member is required to furnish an application in proforma within two years from the date of death of the employee. The Notification 26-EMP dated

**ORDER SHEET**

Form No.

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01.03.2016 as relied by the applicant is not applicable in his case because it requires two conditions to be made –

- (i) Death in action and
- (ii) None in the family being eligible at the time of death of the employee.

This case does not neither fulfil the condition (i) nor the second condition comes besides the applicant, both the mother Dipali Pasman and Rekha Pasman, the daughter where eligible to apply for such an employment. The responsibility of furnishing such an application before the respondent authorities within two years from the date of death of the employee lies squarely on the shoulders of the family. The Tribunal considers the two years window for making an application is enough for the family members to decide and furnished an application. Submitting such an application well beyond the two years time is also gives the impression that the family was not in dire financial need. The very spirit of the Scheme is to provide an alternative employment only if the family due to the sudden death of the earning member is passing through serious financial difficulties. By filing an application, four years later, it does not satisfy the Tribunal that the family was actually in need of an employment.

The Tribunal has come to this finding that the respondent authorities were correct in taking a decision to regret such an employment to the applicant and such decision was very much within the legal framework of the Scheme. Therefore, this application, devoid of any merit, is disposed of without passing any orders.

SAYEED AHMED BABA  
OFFICIATING CHAIRPERSON & MEMBER(A)

A.K.P.