

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 – 85 of 2021

Subhendu Chowdhury - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. For the Applicant : Mr. A. Karmakar,
and Learned Advocate.

Date of order
16
19.06.2025 For the Respondents : Mr. G.P. Banerjee,
Mr. G. Halder,
Learned Advocates.

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638 – WBAT / 2J-15/2016 dated 23rd 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 order No. 328 dated 03.02.2020 passed by the Secretary (Co-ordination), Home & Hill Affairs Department. This was a communication to the Director General and IGP, West Bengal conveying the decision of the Department regretting an employment under compassionate ground. The primary reason was the observation that the applicant was only 11 years 4 months and 7 days old at the time of death of his father. Relying on the relevant Notification No. 251-EMP dated 03.12.2013 read with Notification No. 26-EMP dated 01.03.2016, the prayer of the applicant for such an appointment was rejected.

Sadananda Chowdhury, the deceased employee and father of the applicant had died while in service on 19.06.2000 working in the office of DIB, Coochbehar as a Sub-inspector. Bharati Chowdhury, the mother of the applicant had furnished a plain paper application before the Superintendent of Police, Coochbehar on 29th September, 2000 praying for her son's employment. She also informed that her son Subhendu Chowdhury is 12 years old.

It has been admitted by the applicant side that he was a minor of around 12 years at the time of death of his father and this remained the main reason for such rejection. In terms of the Notification cited above, a two years relaxation period is extended for making an application for an appointment under compassionate ground. By such relaxation, it can be understood that the applicant side has not only two years time to apply in the proforma application but it also implies that within these two years from the date of death of the employee, the applicant has to attain the age of employment. In

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this case, unfortunately the applicant was not only a minor at the time of death of his father but remained a minor even after passing of two years. The applicant was 12 years old on 19.06.2000, the date of death of his father and attained only 14 years old after availing the two years concession. Therefore, it satisfies the Tribunal that the respondent authorities had taken the correct decision and such decision was within the ambit of the rules governing the Scheme of Compassionate Employment. Thus, finding no merit in this application, it is disposed of without passing any orders.

SAYEED AHMED BABA
OFFICIATING CHAIRPERSON & MEMBER(A)

A.K.P.