

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Mrs. Urmita Datta (Sen), Member (J),

Case No. OA – 29 of 2015

Biswajit Debnath & Another - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicants	: Mr. A.K. Das Sinha, Advocate
<u>26</u> 17.02.2022	For the Respondents	: Mr. S. Ghosh, Advocate

M.A. – 18 of 2022

M.A. has filed praying for condonation of delay of 1435 days. It has been submitted by the applicant that due to his illness he could not approach this Tribunal within time. However, he has submitted that unless and until the delay would be condoned, he would suffer irreparable loss and injuries as he is having an arguable case on merit. In view of the above, the M.A. is allowed.

O.A. – 29 of 2015

The instant O.A. has been filed challenging the impugned order dated 03.01.2012, whereby the claim of the applicant was rejected on the ground that the deceased was a Work-charged employee. During the course of the hearing, the counsel for the applicant has referred one document received through the RTI and has submitted that some other persons were also dependent of Work-charged employee and had got compassionate appointment. Therefore, his case should be considered.

The counsel for the respondent has vehemently objected to the contention of the applicant and has submitted that Labour Department's Memo No. 301 – 303 EMP dated 21.08.2002, 30 EMP dated 0.04.2008 and 111 EMP dated 14.08.2008, only deals for the regular government employee, wherein it has been

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specifically stipulated that Work-charged employee cannot be considered as compassionate appointment. During the course of the hearing, the counsel for the respondent has referred one judgement in O.A. No. 552 of 2017 passed by this Tribunal dated 24.05.2019 and has submitted that the case of the applicant is squarely covered by the afore-mentioned order of reply to be set aside.

Heard both the parties and perused the records. It is an admitted fact that the applicant is a husband of Work-charged employee and as per Labour Department's Notification, compassionate appointment to be considered in case of heirs of regular employee only. Therefore dependents of Work-charged employee to be considered for compassionate appointment. Further in earlier occasion, this Tribunal held while dealing with same issue also had taken the same view. Accordingly, I do not find any reasons to interfere the decision of the respondents. Accordingly, the O.A. is dismissed being devoid of merit.

Since for circumstances beyond control, the Registry is unable to furnish plain copies of this order to the learned advocates for the parties, the Registry is directed to upload this order on the website of the Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.

URMITA DATTA (SEN)
MEMBER (J)

A.K.P.