

ORDER SHEET

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 10 OF 2024

ALAMGIR SEKH - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and
Date of order

02
09.07.2024

For the Applicant : Mr.Raju Mondal
Advocate
For the State Respondent : Mr. Gourav Haldar
Advocate

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.

On consent of the learned counsels for the contesting parties, the case is taken up for consideration sitting singly.

By filing this application a prayer has been made for setting aside the impugned order rejecting his application on employment under compassionate ground. This impugned reference was communicated by the Department of Home and Hill Affairs to the DG & IG of Police on 24.01.2023. The department had noted that the applicant's case does not fall under immediate financial need of the family as stipulated in Notification No. 251-Emp read with 26-Emp. The delay in filing proforma application after lapse of more than seven years was seen by the Department as the reason why the family is not in need of any financial assistance. Abdul Mannan Sk, the deceased father of the applicant had died while serving as a Police Constable on 26.12.2006 in the district of Murshidabad. The petitioner in his application states that soon thereafter he had furnished a plain paper representation before the Superintendent of Police, Murshidabad requesting for an employment under compassionate ground. Though copy of such application is not in the records, but from a Memo. appearing at page No. 14 dated 19.02.2009, it appears that the applicant was advised to appear for a

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physical measurement and physical efficiency test on 25.02.2009. Submission of Mr.R.Mondal, learned counsel for the applicant is that the very fact of the applicant having submitted his plain paper application on time has not been acknowledged and appreciated by the respondent authority while considering his application for such compassionate employment. Mr.Haldar, learned counsel has submitted that the proforma application was submitted belatedly after more than seven years from the date of death of the employee. Therefore, such a belated application was not considered to be a valid application and such a proposal was regretted.

Having heard the submissions of the leaned counsels and on examination of the records in this application, the Tribunal observes that the fact of submission of plain paper application by the applicant within the stipulated time has not been mentioned in the impugned reference. The delay of seven years taken as the ground for rejection of the application was on the basis of the proforma application filed by the applicant. The argument of Mr.Mondal that based on submission of a plain paper application the respondent proceeded with physical measurement / test and interview of the applicant is true. But the Scheme requires submission of the proforma application as the only valid application. In this case, though it is a fact that a plain paper application, was submitted on time, but it is evident that the profroma application, as prescribed by the Scheme, was submitted after lapse of more than seven years. This became the valid ground for the respondent authorities to consider his application and regret. In view of the fact as narrated above and submitted by the learned counsels, the Tribunal has come to the conclusion that filing a plain paper application on time is important, but it does not replace the obligation on part of the applicant to furnish the

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application in prescribed format within the due date. The incidence of physical measurement tests on the basis of the plain paper does not oblige the competent authority to pass an order in his favour. The final decision was required to be taken only on the basis of proforma application which was submitted beyond the permissible time of two years. Thus, having no merit in this application, it is disposed of without passing any orders.

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

BLR