

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-1006 of 2017**

Nilratan Barman. -- **VERSUS** – The State of West Bengal & Others

Serial No. and Date of order	For the Applicant	: Mrs. S. Agarwal, Learned counsel.
<u>15</u> 21.03.2025	For the State Respondents	: Mr. S. Ghosh, Learned counsel.

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 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 the Circuit Bench of Hon'ble High Court at Jalpaiguri dated 22.12.2021, this matter is being heard afresh. Mrs. Agarwal, learned counsel had submitted that this matter is to be heard afresh taking into consideration the letter of the applicant's mother dated 13.12.2002. A copy of the letter is available with the supplementary application appearing at Annexure-K. In the letter, the mother had prayed for an employment under the compassionate ground for her son, the present applicant - Nilratan Barman, after the death of her husband who had worked as a Krishi Shramik and died while in service on 04.10.2002. Such a letter, reportedly furnished before the respondent authority, the mother had prayed for an employment within two months from the date of death of her husband, the deceased employee. Mrs. Agarwal had also submitted that the applicant himself, who is an adult, had also filed a plain paper application before the respondent authorities on 30.08.2007 followed by submission of the proforma application which was forwarded by DDA (Admn.) to the Director of Agriculture vide Memo. 490 dated 06.04.2010. These facts are indicated in the reasoned order passed by the respondent authorities on 06.06.2017. The Tribunal has not been shown either the copy of the plain paper application or the proforma application filed by the applicant himself.

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After considering such proposal of the applicant, the Additional Chief Secretary, Department of Agriculture passed a reasoned order regretting a compassionate employment to the applicant on the primary ground that the applicant had applied for such appointment on 30.08.2007 which was almost five years after the death of his father, Kandura Barman. The reasoned order also observes that the applicant was not able to produce copies of any applications he had submitted before the respondent authorities prior to 30.08.2007. Thus the reasoned order was of the opinion that by filing a belated application, this applicant's prayer for compassionate employment was not acceptable.

Mrs. Agarwal, learned counsel submitted the following in support of the claim of the applicant.

(i) That on the body of the mother's plain paper letter by a Memo. 150 dated 14.12.2022, the case was recommended to the ADO, Sitai for taking necessary action.

(ii) By not filing reply to the supplementary, Mrs. Agarwal presumes that the State respondent has tacitly agreed to the fact that the mother's application existed with a recommendation.

Mr. Ghosh, learned counsel had submitted that as mentioned in the reasoned order, the applicant failed to produce any documents to show that he had applied for such an employment prior to 30.08.2007. Mr. Ghosh also submitted that apart from such document from the applicant, he also failed to produce any document in the form of an application by his mother on his behalf. He also points out that the fact of the applicant preferring to file such an application for employment after 14 years from the date of death of his father is a clear indication that he and his family were not in need of any immediate financial support. Mr. Ghosh also pointed out that the mother's

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letter as referred to by the applicant side is a doubtful letter and such letter does not exist in the records of the respondent authorities.

Having heard the submission and after examination of the records, this Tribunal is clear in its view that the prayer for an employment under compassionate ground is not in observance of the rules stipulated in the Scheme. The following specific grounds does not entitle the applicant for such an employment :-

- (i) It is a belated application furnished after 14 years from the date of death of the employee.
- (ii) The applicant failed to produce copy of any application furnished before the respondent within the two years window available to him after the date of death of the employee.
- (iii) A mother or a guardian's application even submitted within the two year period does not substitute the application of the applicant.
- (iv) The Scheme's primary objective is to extend a helping hand by way of an employment if it has been seen that due to the death of employee, the financial condition of the family has deteriorated. In this case, the family has not proved such condition.

Therefore, the prayer in this application, devoid of any merit, is disposed of without any direction.

**SAYEED AHMED BABA**  
Officiating Chairperson & Member (A)

S.M.