

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Member (A)

Case No. – OA 101 of 2022

Partha Das -- **VERSUS** – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. P.S. Ghosh,
Learned Advocate.
For the State respondent : Mrs. S. Agarwal,
Learned Advocate.

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22.09.2022

In this instant case, the applicant Partha Das has applied for employment on compassionate ground after the death of his father Swapan Kr. Das who worked as G.D.A. in Murshidabad Medical College. The father of the applicant died on 29.01.2010. Earlier the applicant had approached this Tribunal in OA-1158 of 2017 where the Tribunal directed the respondents to dispose of the application within twelve weeks.

The respondents on the direction of the Tribunal considered the application and rejected the same on the ground that the prayer of compassionate employment was made after a lapse of more than three years and three months.

Learned advocate for the applicant accepts that the applicant had applied on 15.01.2013 for compassionate appointment, i.e. after three years from the date of death of his father. Learned advocate also submits that his mother Rekha Rani Das had made an application within time frame i.e. on 14.06.2010, which she withdrew later on behalf of her son.

Learned advocate for the respondent submits that reference be made to Notification 26-Emp., Clause 10(a) and 10 (aa) in this case relating to belated applications. Since the applicant had applied in the year 2013 which was more than three years after the death of the deceased employee, therefore, his application was considered and rejected by the respondent. Mr. Ghosh, learned advocate for the applicant submits that the respondents did not consider the 26-Emp

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properly while considering the application.

After hearing both the learned advocates and considering the facts and circumstances of the case, it is very clear that although the widow, Rekha Rani Das has applied before the respondent for compassionate employment within the permissible time, however, later she withdrew the application on behalf of her son Partha Das, the applicant. The respondent considered the application of the applicant and rejected on the ground that the application was made after lapse of more than three years and as per the scheme, the application is not admissible. The applicant's side has not been able to establish any fact contrary to the above reason of rejection given by the respondent. Therefore, the Court does not find any merit in this application and so the case is dismissed.

Accordingly, the matter is disposed of.

**SAYEED AHMED BABA
MEMBER (A)**

CSM/SS