

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,
<u>04</u> 27.06.2022	For the State Respondent	:	Mrs. S. Agarwal, Learned Advocate.

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. It appears that the application kept in the record filed by the applicant addressed to the Director of Health Services, W.B. is dated 15.01.2013. Although there is no signature and seal of the respondents of having received the application.

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,

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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 (aaa) in this case. She also submits that the mother had applied for compassionate appointment in time i.e. in the year 2010 but the present applicant had applied in the year 2013 which was more three years after the death of the deceased employee. Therefore, this 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 properly while considering the application.

Let the matter appear **on 22.09.2022** for “Orders”.

SAYEED AHMED BABA
MEMBER (A)

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