

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble SAYEED AHMED BABA, Member (A)

Case No. – OA-1143 of 2016

Serial No. and Date of order	Rakesh Jana For the Applicant	VERSUS – The State of West Bengal & Ors.	Mr. S. Mukherjee, Learned Advocate.
<u>19</u> 16.09.2022	For the State Respondents	:	Mrs. S. Agarwal, Learned Advocate.

The prayer of the applicant for compassionate employment was considered and rejected by the respondent on the ground of belated application. The submission of learned counsel is that there was no delay in submitting the application because the deceased employee, the father of the applicant died on June, 2007 thereafter a plain paper application was submitted to the respondents which was also acknowledged with seal and signature. It is also submitted that the respondents called him for submission of some supporting documents on 13.08.2012, which was duly submitted.

Learned counsel for the applicant prays that from the records it is clear that there was no delay in submitting the application, therefore, the reason given by the respondents in rejecting the application as belated application is not correct and thus prays for setting aside the impugned order.

After receiving the impugned order, the applicant has submitted a representation before the respondent authority requesting compassionate employment on 24.08.2015. Prayer is that the respondent may be directed to consider the

representation for compassionate employment.

Mrs. Agarwal submits that the application submitted to the Superintendent, Jhargram Sub-Divisional Hospital was signed by the two brothers which is not an application for compassionate employment. Mrs. Agarwal further submits that neither in the prayer in the original application nor in the representation submitted by the applicant before the respondent, there is any mention for either challenging the impugned order or setting aside the impugned order. Therefore, now the prayer in the application seeks to challenge the impugned order dated 02.04.2015 is not maintainable and may be dismissed.

I find that the applicant in the original application has not prayed for any direction challenging the impugned order and setting aside the order. The prayer in the application is primarily for direction on the respondents to offer the applicant an employment on compassionate ground. Further in the representation submitted before the respondent does not speak anything about the impugned order. It is evident that neither the application nor the representation refer to the impugned order.

This application is disposed of with liberty to the applicant to submit fresh representation ventilating his grievances and if the same is submitted, the respondent, i.e. Director of Health Services, W.B. shall dispose of the same as per law within

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a period of fifteen weeks and communicate the same to the applicant within a period of two weeks thereafter.

The application is disposed of. .

SAYEED AHMED BABA
MEMBER (A)

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