

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

Mr. Sayeed Ahmed Baba, Officiating Chairperson and Hon'ble Member (A).

Case No. – OA 127 of 2023.

ANANYA DASGUPTA- VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

05
10.07.2024

For the Applicant : Mr. T.K. Dhar,
Advocate.
For the State Respondents : Mr. S.N. Ray,
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.

This application has been filed praying for setting aside the impugned reasoned order dated 16.11.2021. By this impugned order, the proposal of the applicant for employment under compassionate ground was regretted, primarily on the ground that the applicant was a minor at the time of death of her father. The applicant's father died on 11.5.1999 while serving in the post of Supervisor in the Office of Deputy Director of Industrial Training, Howrah. The applicant has admitted that she was a minor at the time of her father's death. From the records, it can be seen that the applicant's proforma application was received by the Respondent authorities with their Office seal dated 07.3.2012. From a copy of Memo 416 dated 26.6.2018, it is evident that her proposal was forwarded by the Deputy Director to the Director of Industrial Training.

Submitting on behalf of the applicant Mr. T.K. Dhar, learned counsel admits that she was a minor at the time of her father's death. Mr. Dhar has submitted that the proviso 10 (a) is related to only those applicants who had already attained the age of employment. The Notification does not state anywhere about a case where the applicant was a minor at the time of death of her parents. Mr. Dhar further submits that the Notification does not cover a situation where a minor has attained the age of employment and thereafter whether such person is entitled or not. No time limit for submission of application has been prescribed for such minors, who attain majority at

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a later stage.

The Tribunal finds that the applicant, though a minor at the relevant point of time had attained the age of employment on 28-08-2005, but furnished the proforma application before the Respondent authorities only on 07.3.2012. The delay in filing the proforma application by seven years has not been explained. Further, the fact of her being a minor at the time of her father's death has not been disputed. The impugned order had regretted such application on the ground that she was a minor at the time of her father's death. Even if she had applied in 2005 when she attained majority, such application would not have been a valid application for the reason that she was a minor at the time of her father's death.

Considering the observations above, the Tribunal does not find this application having any merit and reasoned order passed by the Respondent authority is correct and in accordance with the prevailing rules. Hence, this application is dispose of without passing any order.

(SAYEED AHMED BABA)
Officiating Chairperson and Member (A).

SkG/HS.