

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Bikash Bhavan, Salt Lake, Kolkata – 700 091.**

**Present-**

**THE HON'BLE SAYEED AHMED BABA, OFFICIATING CHAIRPERSON AND ADMINISTRATIVE MEMBER**

**Case No. – OA 13 of 2023**

**Rajatava Bose - Vs - The State of West Bengal & Ors.**

Serial No. and  
Date of order

5  
19.02.2024

For the Applicant : Mr. S. Mukhopadhyay,  
Learned Advocate.

For the State Respondents Mrs. S. Agarwal,  
Learned 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.

On consent of the learned counsels for the contesting parties, the case is taken up for consideration sitting singly.

The applicant has prayed for setting aside the reasoned order of the respondent dated 05.08.2022. The reasoned order rejects the application for compassionate employment on the ground that the applicant was minor at the time of death of the deceased employee, his father.

Submission of Mr. Mukhopadhyay is that although interviews were held and the Enquiry Committee submitted its report, but the respondent authority rejected the application. Mr. Mukhopadhyay also submits that at the time of consideration of his application on 05.08.2022, the applicant had already attained the age of eligibility for such employment.

Mrs. Agarwal, learned counsel on behalf of the state respondent submits that it is the law as stipulated in 251-Emp and 261-Emp Notifications that the applicant being a minor at the time of death of the employee was not eligible for such employment. The very purpose of compassionate employment is to provide financial stability

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during the death of the government employee. Further, though the applicant was a minor and thus not eligible but in the family, his mother was eligible for such compassionate employment, provided she met all other eligibility criteria. But, the mother did not apply for herself and rather hoped that such employment will be more gainful for her son, the present applicant.

Heard the learned counsels.

**ORDER RESERVED.**

**(SAYEED AHMED BABA)**  
**OFFICIATING CHAIRPERSON AND MEMBER (A)**

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