

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

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

**Present-**

**The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)**

**Case No. –OA 132 of 2023**

**Suprotim Sarkar -- VERSUS – The State of West Bengal & Others**

Serial No. and  
Date of order

For the Applicant

: Mr. G. P. Banerjee,  
Advocate.

07  
19.11.2024

For the State Respondents

: Mrs. S. Agarwal,  
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 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

Suprotim Sarkar had applied for an employment under compassionate ground which was rejected by the respondent authorities, primarily on the following two grounds :

- (i) That the applicant was a minor of 15 years at the time of death of his father.
- (ii) That the total family income of the deceased employee had exceeded 90% of the salary last drawn by the deceased employee.

The father of the applicant had died on 19.10.2016 while serving in the post of Health Assistant (Male) under the Chief Medical Officer of Health, Murshidabad. The applicant's date of birth being 24.08.2001 was a minor of 15 years 01 month and 25 days. After attaining the age of employment, the applicant presented his application for such an employment before the respondent authority on 07.01.2017.

From the submissions heard and on examinations of the records, the Tribunal has come to observe the following two points, Firstly, though the applicant was a minor at the time of death of his father, the deceased employee, but after attaining the age of employment, his application was submitted on 07.01.2017. Secondly, the Tribunal finds that though the impugned order rejected the application on the second ground of the family's income being more than 90% of the salary last drawn by the deceased employee, but fails to support it with any financial explanation. Had such ground be the reason for

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rejection, the respondent authority ought to have explained the same by way of a financial statement showing the details of the family income compared to the last gross salary drawn by the deceased employee. In absence of any such comparative financial statement, the Tribunal is not satisfied of the ground of such rejection. An application cannot be rejected summarily by making a statement, such a statement being the ground of rejection should have been supported by facts and details.

In view of the above observations, the Tribunal does not find the grounds of rejection in the impugned Memo. No. HPA/G-109-2017 dated 02.08.2022 as tenable and therefore, it is quashed and set aside. The Respondent No. 03, The Additional Director (Personnel), Directorate of Health Services & Ex-Officio Special Secretary, Department of Health and Family Welfare is directed to reconsider the matter after taking into consideration the aforesaid observations of the Tribunal within a period of four months from the date of communication of this order and communicate the decision to the applicant within two weeks thereafter.

Accordingly, this application is disposed of.

SAYEED AHMED BABA  
Officiating Chairperson & Member (A)

S.M.