

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 14 OF 2024

SMT. RUMPA BISWAS DAS - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and

Date of order

03

06.01.2025

For the Applicant

:

Mr.Sankha Ghosh
Advocate

For the State Respondents

:

Ms.Ruma Sarkar
Mr.Sourav Debray
Mrs.A.Bhattacharya
(Departmental representatives)

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 and the learned Departmental representatives for the contesting parties, the case is taken up for consideration sitting singly.

The reference from the Additional District Magistrate & District Land & Land Reforms Officer dated 23.11.2023 had communicated to the applicant the decision of the competent authority regretting the prayer of the applicant for employment under compassionate ground. Such regret was on the ground that the applicant being married did not come under purview of the definition of the family member of deceased employee. The respondent authority had relied on provision (3), (d) of Notification 251-EMP dated 03.12.2013 of the Labour Department. Submitting on behalf of the applicant, Mr. S.Ghosh draws attention to 3(c) of Labr/419/Law dated 04.11.2022 and submits that the earlier provision of (3), (d) under Emp-251 has been deleted and substituted by a new clause which is, as under:

“3(c) daughter (including legally adopted daughter before death

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or incapacitation or missing)”

By virtue of this amendment, daughters, whether married or unmarried or divorced are now entitled for employment under compassionate ground. Mrs. Agarwal, learned counsel appearing on behalf of the State respondent agrees. Since it has been made clear that the new rule under Emp-419 makes all daughters irrespective of their marital status eligible for compassionate employment, the Tribunal finds the impugned order passed on 23.11.2023 rejecting this applicant's prayer for compassionate employment as untenable and not enforceable by any law.

With this observation, the impugned order dated 23.11.2023 is quashed and set aside with a direction to the respondent no. 2, the Additional Chief Secretary & Land Reforms Commissioner, Land & Land Reforms & Refugee Relief & Rehabilitation Department to reconsider the prayer of the applicant for employment on compassionate ground in the light of 3(c) of Labr/419/Law dated 04.11.2022 and pass a speaking and reasoned order within a period of four months from the date of communication of this order and communicate the same to the applicant within two weeks thereafter. Accordingly, this application is disposed of.

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

BLR