

**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 142 OF 2023**

**AISHI SEN - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. and Date of order	For the Applicant	:	Mr. Asoke Kumar Das Sinha, Learned Advocate
	For the State Respondents	:	Mrs. Sonali Mitra, Learned Advocate

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07.08.2025 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.

The prayer in this application is for a direction to the respondent authorities to give an employment under compassionate ground to the applicant after setting aside the impugned order of rejection No.A 911 dated 24.01.2003, issued by the Additional Director (Personnel) and Special Secretary, Directorate of Health Services.

The prayer of the applicant was rejected by the authority on the ground that she was only 6 years and 8 months old at the time of date of death of the government employee.

The mother of the applicant, Pali Das, a Staff Nurse at Dakshin Dinajpur District Hospital, died in harness on 10.10.2007. As per the learned counsel for the applicant, soon after the death of the government employee, the father of the applicant made a plain paper application on 26.09.2008 before the Superintendent, District Hospital, Dakshin Dinajpur, Balurghat praying for compassionate appointment for her daughter. After attaining majority, the applicant submitted a plain paper application before the C.M.O.M., Dakshin Dinajpur, Balurghat on 16.08.2019. An enquiry was made by the enquiry committee formed by the respondents. The applicant submitted relevant documents as per memo No.1775 dated 24.09.2021 of the respondent authority. By way of issuing memo No.A 911 dated 24.01.2023, the authority rejected the prayer of the applicant on the ground that “she was nearly 6 years and 8 months old at the time of date of death of the

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*government employee”.*

After examination of the records, the Tribunal finds that the applicant was a minor at the time of death of the government employee. She applied in a plain paper for compassionate employment on 16.08.2019 i.e. after 12 years. Though the father applied on 26.09.2008, it was not for himself, but for his minor daughter. The Rules governing the Scheme under Notification No.251-Emp, dated 03.12.2013 and Notification 26-Emp dated 01.02.2016 of the Labour Department required the applicant not only to furnish the prayer for compassionate employment within two years from the date of death of the employee, but such applicant should have attained the age of employment as well. The primary reason given for such regret was that the applicant “*was nearly 6 years and 8 months old at the time of date of death of the government employee*”. The criterias of compassionate employment have not been fulfilled by the applicant. So, she was not entitled for an appointment under compassionate ground.

From the above observations, the Tribunal comes to the conclusion that the respondent authority was correct in not considering a compassionate employment in favour of the applicant. The ground of such rejection given in the impugned memo No. A 911 dated 24.01.2003 was valid and very much within the framework of the guidelines laid down for employment under compassionate ground. Thus, finding no merit in the prayers of the applicant, this application is disposed of without passing any orders.

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

SCN.