

**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 145 of 2024**

**Dudheswar Ram -- VERSUS – The State of West Bengal & Ors.**

Serial No. and  
Date of order

For the Applicant : Mr. Soumendra Narayan Ray,  
Learned Advocate  
For the State Respondents : Mrs. Sunita Agarwal,  
Learned Advocate

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07.03.2025

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 impugned reference dated 19.08.2021, issued by the Director of Health Services rejecting the prayer for employment under compassionate ground, is being assailed in this application before this Tribunal. The impugned reference had relied such rejection on the ground that the applicant had submitted his prayer for such an employment after a lapse of 7 years and 3 months from the date of death of the deceased employee.

As submitted by Mrs. S. Das, learned counsel for the applicant, the respondent authority, though correct in saying that the applicant had applied belatedly, ignored an important fact that the applicant's mother, Lakha Sundar Devi had applied, both in plain paper and in proforma on 13.10.2007, within a month from the date of death of her husband, the deceased employee.

It was observed that Lakha Sundar Devi, despite applying on time for an employment for herself, had died on 20.10.2012. Such death compelled the applicant, her son to apply for himself and he applied in a plain paper application on 03.12.2012. The applicant was a minor boy of only 9 years old at the time of death of his father on 12.09.2007 and also a minor when he applied for himself later on 03.12.2012.

A government employment cannot be offered to a minor. His application is also restricted from provision 12(b) of notification No.251-Emp dated 03.12.2013. By this clause such appointment cannot be transferred to any other person. Therefore, by this Rule, he could not contend that his application was in continuation of his mother's application and since mother is deceased, his application be considered instead.

**ORDER SHEET**

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SCN.

In view of the above observations, the Tribunal is constrained to reject his prayer for setting aside the impugned memo No.416 dated 19.08.2021 passed by the Additional Director (Personnel) regretting an employment under compassionate ground to the applicant. Such rejection on the ground of belated application for lapse of seven years and three months from the date of death of the employee is clearly within the legal frame work and thus valid in the eyes of law.

The application is disposed of.

**SAYEED AHMED BABA**  
**Officiating Chairperson & Member (A)**