

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 : Mrs. S. Das,
Mr. S.N. Ray,
Ld. Advocates.

For the State Respondents : None.

02
23.07.2024

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.

Since despite serving of the notice, none has appeared on behalf of the State respondents. Direction is given to the applicant's side to serve a copy of the application along with copy of today's order to the State respondents.

The impugned reference dated 19.08.2021 issued by the Director of Health Services rejecting the prayer for employment on compassionate ground is being assailed in this application before this Tribunal. The impugned reference relies 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. Unfortunately, the mother herself left this world on 20.10.2012, compelling the son, the applicant to apply for such an employment for himself who submitted his plain paper application followed by the proforma on 03.12.2012, delayed by 7 years or so from the date of death of his father. Both Mrs. Das and her senior Mr. S.N. Ray emphasises that rejection on mere technicality is not in the true spirit of the scheme. As the name 'compassion' itself suggests, the respondent authority ought to have been more humane and compassionate considering the financial dilemma the applicant had to pass through after the death of his parents. Had the mother been alive, she would have been offered such an employment but fate decided otherwise. Submission is that the respondent authorities ought to have considered the son's application, though

ORDER SHEET

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filed belatedly, on humanitarian grounds. Mr. Ray would like to present some relevant judgments of the Hon'ble Supreme Court on the next day. Let such judgments of the Hon'ble Supreme Court be filed on the next date and let the matter appear under the heading "**For Orders**" on **12.12.2024**.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

CSM/SS