

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

Mr. Sayeed Ahmed Baba, Officiating Chairperson and Hon'ble Member (A).

Case No. – OA 18 of 2024.

RAVI DAS - VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

02
24.07.2024

For the Applicant : Mr. S. Ghosh,
Mrs. S. Das,
Advocates.

For the State Respondents : Mrs. S. Agarwal,
Advocates.

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.

The father of the applicant serving as an L.D.C. in NRS Medical College and Hospital had died while in service on 12.03.2016. From the submissions and records, it is observed that a plain paper application was submitted, signed by both the mother and the applicant before MSVP, NRS Medical College and Hospital on 12.05.2016 followed by submission of the proforma application. Also evident from memo 9448 dated 10.11.2016 signed by the Deputy Superintendent, N.R.S. Medical College and Hospital that one proforma application was submitted but it was found to be insufficient. By this memo, the applicant was advised to attend with all relevant documents. The applicant was advised to appear before the “Three men Screening-cum-Enquiry Committee” on 31.10.2017. From another memo dated 31.10.2018, it is seen that the applicant was advised to submit the relevant documents which appears to have been submitted by him on 07.12.2018. The process of submission of relevant documents with proforma application seems to have been completed when the MS-cum VP of NRS Medical College and Hospital forwarded the proposal, complete in all respects to the Director of Health Services by his memo 8870 dated 27.09.2022. After examining the proposal, the Director came to the conclusion that the proposal for an employment under compassionate ground does not fulfil the criteria as per Notification 26-Emp dated 01.03.2016 because such an application was submitted after lapse of nearly two years and eight months from the

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date of death of the deceased employee.

Mr. Ghosh, learned counsel, however, disagrees with such reason for rejection and argues that as evident from the copies of documents in this application, it is incorrect to say that such an application was furnished by the applicant beyond the permissible two years time. Further, the respondent authorities have completely ignored the fact that the plain paper application was submitted on 12.05.2016 within two months from the date of death of the employee. This plain paper application was followed by submission of proforma application supported by all the relevant documents. Ignoring these important facts relating to the dates of submission and rejecting on the ground that such submission was made after lapse of more than two years is not only incorrect but arbitrary.

Mrs. Agarwal, learned counsel appearing on behalf of the respondent authorities argues that an incomplete proforma application cannot be considered as a valid application. The applicant was informed that the proforma application not being complete will be inadequate to process the matter. Mrs. Agarwal also refers to another memo 13935 dated 31.10.2018 by which the applicant was reminded to submit the relevant documents. Attention is also drawn to memo 8837 dated 13.11.2021 by which the applicant was asked to appear before the Committee along with all relevant documents.

Heard the submissions of the learned counsels.

Let the matter appear under the heading "For Orders" on 09th January, 2025.

(SAYEED AHMED BABA)
Officiating Chairperson and Member (A).

HS/Skg.

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