

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 180 OF 2025

PUSPENDU NASKAR - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	:	Mr. Rahul Ghoshal, Learned Advocate
	For the State Respondents	:	Mr. Gauram Pathak Banerjee, Learned Advocate

3
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 23rd 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 provide employment to the applicant on compassionate ground.

The Additional Director & Ex-Officio Special Commissioner, by its order No.A 8276 dated 26.12.2023, rejected the prayer of the applicant on the ground that the applicant had applied after a lapse of nearly 6 years.

The mother of the applicant, Bindu Naskar, a Health Assistant (Female) at Dhanyakuria Rural Hospital, died on 06.04.2015. Soon after the death of the government employee, the father submitted a plain paper application on 30.04.2015 before the B.M.O.H., Dhanya Kuria BPHC, Basirhat-II, North 24-Parganas for an employment under compassionate ground for his son. As per the learned counsel for the applicant, another application was made on 04.10.2021 in the prescribed form which was rejected by memo No. A8276 dated 26.12.2023 on the ground that “*the applicant has applied for employment on compassionate ground after a lapse of nearly 6 years from the expiry of the ex-employee which was needed to be submitted within 02 years*”.

After examination of the records, the Tribunal finds that the applicant applied for compassionate employment on 04.10.2021 i.e. after 6 years. 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

ORDER SHEET

Form No.

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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 had applied after a lapse of nearly 6 years. In this case, it is clearly evident that the criterias of compassionate employment have not been fulfilled by the applicant. So, he 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. Thus, finding no merit in the prayers of the applicant, this application is disposed of without passing any orders.

SCN.

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