

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 181 OF 2022

SMT. SOMA GHOSH - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	:	None
	For the State Respondents	:	Mrs. Saswati Bandyopadhyay, 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 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 give an employment under compassionate ground to the applicant after setting aside the impugned reasoned order dated 25.02.2022, issued by the Director of Health Service communicated by the Additional Director (Personnel) by its letter No.99-P dated 02.03.2022.

In compliance of an order of the Tribunal dated 21.12.2021 in O.A. 980 of 2017, the Director of Health Services, by way of passing a reasoned order dated 25.02.2022, considered and rejected the prayer of the applicant on the ground of delayed submission of the application for compassionate employment and no requirement of immediate financial assistance.

The father of the applicant, Debesh Ranjan Ghosh, a Health Inspector attached to the Zonal Health Office, Zone No.1, Barrackpore under the Calcutta Metropolitan Urban Health Organisation, died on 10.02.2000, leaving behind two daughters, namely, Kalyani and Soma. As per the learned counsel for the applicant, the applicant required immediate financial help to survive. She applied in prescribed form within the stipulated period of time.

It is evident from the memo dated 21.04.2000, issued by the Chief Health

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Officer, Calcutta Metropolitan Urban Health Organisation, the application for compassionate employment was presented before the authority within time. It is also evident from the reasoned order dated 25.02.2022 that the application was rejected on 05.12.2000 without assigning any reason for rejection. By an order dated 21.12.2021 in O.A. 980 of 2017, the order of rejection dated 15.12.2000 was quashed by the Tribunal and the authority was directed to pass a reasoned and speaking order. The respondent authority, by way of passing the impugned reasoned order dated 25.02.2022, communicated on 02.03.2022, again rejected the prayer of the applicant by citing therein some judgements. Though a plain paper application dated 25.04.2016 has been annexed with the present application, but neither copy of any proforma application nor any Three-Men Enquiry Committee Report have been annexed in support of the applicant's prayer.

After examination of the records, the Tribunal finds that at the time of signing the affidavit on 29.03.2022, Soma was about 35 years. Thus, at the time of death of the government employee on 10.02.2000, it is construed, she was a minor. Learned counsel's argument that in similar matters, the authority granted an appointment "*considering belated stage of 18 years*", is not at all convincing to the Tribunal. It is also not clear as to why the applicant approached the Tribunal in the year 2017 challenging the first rejection order dated 05.12.2000. The reasons given for such regret were that "*inordinate delay of 17 (seventeen) years caused by the applicant in approaching the fountain of justice.....the applicant had made no further prayer for reconsideration of her matter*".

The primary condition for compassionate employment is that due to death of the deceased employee, whether the family was passing through serious financial crisis or not. 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. Thus, the criterias

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of compassionate employment have not been fulfilled by the applicant. Therefore, 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. Since the ground of rejection was valid, the Tribunal is not inclined to interfere in the decision taken by the respondent authority while passing the impugned reasoned order. 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.