

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Administrative Member.

Case No. –OA 185 of 2021

Shyam Sundar Mondal. - Versus - The State of West Bengal & Others.

Serial No. and Date of order	For the Applicant	: Mr. T. K. Majumder, Advocate.
<u>05</u> 28.09.2022.	For the State Respondents	: Mrs. S. Agarwal, Mr. B. P. Roy, Advocates.

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 536-WBAT/2J-15/2016 dated 26th August, 2022 issued in exercise of the powers conferred under Section 5 (6) of the Administrative Tribunals Act, 1985.

The matter is admitted.

In this application the applicant has prayed for setting aside the impugned order of the respondent rejecting his application for compassionate employment. It appears that the father of the deceased employee died on 13.06.2016, as a "Night Guard (Group-'D') in the office of the Extension Officer, Director of Textile (Sericulture), Sriniketan Sericulture Composite Union, Bolpur, Government of West Bengal. Soon after the death on 26.06.2016, the mother of the applicant submitted a plain paper application seeking for an employment on behalf of her son, the applicant who was a minor at that point of time. Since there was no response from the respondent, the applicant filed an application in the Tribunal in OA-51 of 2017. While disposing of the matter, the Tribunal directed the respondent no. 2 to dispose of the matter by passing a reasoned order. In compliance with the Tribunal's direction, the respondent passed a reasoned order on 25.06.2019 in which the application for compassionate employment was rejected primarily on the ground that the applicant is not in "*acute financial need*". The respondent mentioned the earning of livelihood by the applicant through running an e - Rickshaw (Toto) in Bolpur.

The learned counsel for the applicant submits that it is true that

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the applicant was running an e-rickshaw (Toto) which was taken on rent through an agreement with the owner. Copy of such agreement is in this record. Submission is that the said rental agreement has already expired on 05.05.2020. As a result, today the applicant neither owns a Toto nor runs one on hire. He is presently unemployed and hopeful for getting a compassionate employment to mitigate his financial woes.

Mrs. S. Agarwal, learned advocate for the State respondents submits that as is evident from the record, the age of the applicant at the time of his father's death was 42 years. So, it is surprising that why the mother of the applicant submitted the application on behalf of her adult son. Mrs. Agarwal further submits that as mentioned in para 6 of the reasoned order, that the applicant had received a total of Rs. 6,32,716/- as Death-cum-Retirement Benefit. Therefore, there is no financial need for the applicant. Besides, he is running an e-rickshaw (Toto) for livelihood. Submission of Mrs. Agarwal is that the application may be dismissed.

Mrs. Agarwal prays for time to file a reply.

Let the matter appear on **10.01.2023**. Rejoinder, if any, in the meantime.

(SAYEED AHMED BABA)
MEMBER(A)

S.M.