

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 - 221 of 2023

Sudarshan Rajwar - Vs - The State of West Bengal & Ors.

Serial No. and
Date of order

06
29.01.2025

For the Applicant : Mrs. Sonali Mitra,
Learned Advocate.

For the State : Mr. R.K. Mondal,
Respondents Learned Advocate.

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 applicant filed this application praying for setting aside the impugned order dated 25.07.2022 by which his request for an employment under compassionate ground was rejected. The father of the applicant, Thakurdas Rajwar working as a Gram Panchayet Karmee had died while in service on 24.03.2018. The Tribunal is also not sure whether the post the deceased employee was holding was a civil post or not. However, since the respondent authority have considered and taken a decision, this Tribunal will proceed further with the matter.

It is not in dispute that the applicant was a minor at the time of death of his father. In fact, this was the only ground relied on by the respondent authority while regretting his application. Aggrieved with his application was rejected, the applicant furnished prayers for re-consideration of the decision rejecting his prayer. While this matter was being adjudicated in this Tribunal, the respondent authorities by another impugned order

dated 31.03.2023, conveyed its decision that the applicant was not found entitled for such an employment since he was a minor of only 14 years old at the time of death of his father. Mrs. Mitra, learned counsel argues that though accepting the fact that the applicant was a minor on the relevant point of time, it needs to be appreciated at the time of consideration of his application by the respondent authorities, he had already attained the age of employment. Further, knowing fully well that the applicant for such employment was a minor, the Enquiry Committee is still recommended his case to the competent authority.

Mr. Mondal, learned counsel submits that the applicant who a minor at the time of death of his father is not entitled to apply for such employment.

From the submissions of the learned counsels and the records presented in this application it is an undisputed fact that at the time of death of his father on 24.03.2018, the applicant was aged only 14 years of old. It is an accepted fact that under the Scheme governing employment on compassionate ground as stipulated in Notification No. 251-Emp dated 03.12.2013 and 26-Emp dated 01.03.2016 a minor member of the family is not entitled to benefit from a government employment. The spirit of the Scheme is for providing a much needed assistance to overcome the financial difficulties faced by the family in the event of the death of the earning member. The very word "compassion" means that this is a goodwill gesture on the part of the respondent authorities to help the family facing financial difficulties. The Scheme is not an

employment scheme by which death of an employee automatically entitles another family member to benefit from an employment. The decision taken by the respondent authorities rejecting the prayer of compassionate employment on the ground of applicant being minor was well within the legal framework and it was a correct decision. Therefore, the Tribunal does not find any merit in the prayers requiring it to direct the respondent authorities to provide such an employment to the applicant. This application is disposed of without passing any orders.

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

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