

ORDER SHEET

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

**The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)**

**Case No. –OA 222 of 2024**

Mrinal Kanti Das - VERSUS – The State of West Bengal & Others

Serial No. and  
Date of order

For the Applicant : Mr. M. Halder,  
Ld. Advocate.

02  
11.12.2024

For the State Respondents : Mr. D. Koley,  
Ld. 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 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

The applicant has prayed for setting aside the Memo. No. 113 dated 11.04.2023. By this correspondence, the department communicated to the Superintending Engineer, Presidency Circle, Public Works Directorate. The decision of the department regretting the prayer of the applicant for an appointment under compassionate ground. The reasoned order regrets that Gokul Chandra Das, the employee had died on 19.02.2016. The proforma application as per the guidelines was furnished by the applicant, being a son of the deceased employee before the respondent authority on 19.01.2021, after a delay of five years. As per the Notification No. 251-Emp., the legal heir of the deceased employee praying for an appointment under compassionate ground is required to furnish the application in the prescribed proforma within two years from the date of death of the employee.

Mr. Halder, learned counsel does not dispute the fact that the proforma application was submitted by the applicant beyond the two years permissible time but he draws attention to a copy of the plain paper application furnished by the applicant before the Joint Secretary of the department which was received by its office on 27.02.2017. Mr. Halder argues that such delay in submission of the proforma was due to delayed cause by the office of the respondent no. 5, the Executive Engineer –II, City Division, Public Works Directorate, Kolkata. Had the respondent authority

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helped the applicant by sharing a copy of the blanket proforma, the applicant would have submitted it within two years from the death of his father.

Mr. Koley, learned counsel submits that it is an admitted fact that though the proforma application was filed beyond the two years time but the applicant had furnished a plain paper application before the respondent no. 5, the Executive Engineer –II, City Division, Public Works Directorate, Kolkata praying for an appointment under compassionate ground. The applicant in his application has mentioned the reason for such delayed submission as his village being remote part of the State in Midnapore District and not aware of the proceedings and formalities relating to an application for an employment under compassionate ground.

From the submissions of the learned counsels and the records in this application, it is understood that though the applicant furnished a plain paper application within the permissible time but has not demonstrated signs of any efforts made thereafter to furnish the proforma application. Merely stating that he is a person from a remote village does not satisfy this Tribunal that he has made sufficient efforts. Even on 16.11.2021 when the Executive Engineer-II, City Division, Public Works Directorate had advised him to attend with the original documents, it is not manifest that he had furnished the proforma application. As a Madhyamik passed person, he was also supposed to be aware of such procedures.

In view of the above observations, this Tribunal is not satisfied that this application praying for quashing the impugned decision of the respondent authority has any merit. Therefore, it is disposed of without passing any orders.

SAYEED AHMED BABA  
Officiating Chairperson & Member (A)

S.M.