

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 233 OF 2024

PRIYANJALI MANDAL - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and

Date of order

04

19.06.2025

For the Applicant : Mrs. S. Mitra,
Learned counsel.

For the State Respondents : Mr. G. P. Banerjee,
Learned counsel.

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.

On consent of the learned counsels for the contesting parties, the case is taken up for consideration sitting singly.

The prayer in this application for setting aside the impugned memo dated 23.12.2022 passed by the respondent no. 3 being Annexure "D" to this application. This impugned reference had rejected the prayer of the applicant for employment under compassionate ground giving the reason that the applicant was a minor at the time of death of her mother, the deceased employee.

Mrs. S. Mitra, learned counsel for the applicant argues that the respondent authorities were wrong in rejecting her application on the ground that the proforma application was filed belatedly after four and half years from the date of death of the employee. Mrs. Mitra relies on provision 10 (aa) of Notification 26-EMP in which an extended time for submission is up to five years. It is pointed out that in the applicant's case, the condition No. (ii) "where none in the family eligible" is fulfilled because at the time of death of her mother, the deceased employee, her father was not entitled for appointment, since he had already crossed fifty years of age. Thus, leaving apart the father, this

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applicant was the only legal heir. Attention has been drawn to copies of plain paper application submitted by the applicant on 05.04.2018. Attention has also been drawn to a copy of the proforma application furnished by the applicant on 05.04.2022. Submission is that at the time of furnishing the proforma application, the applicant had already attained the age of employment.

Mr. A. K. Das Sinha, argues that the applicant cannot take shelter of the provisions under 10(aa) of Notification 26-EMP by pointing out that at the time of death of the employee, father of the applicant was very much entitled to apply for such an employment, but did not do so.

Having heard the submissions and after perusal of the records in this application, the Tribunal finds that the fact of the applicant being a minor at the time of death of her mother, the deceased employee, is not in dispute. In terms of the Rules governing the Scheme on compassionate employment, the applicant has to fulfil all the eligible criterias. The applicant was a minor at the time of death of her mother, and remained a minor even after two years from such date. The employment on compassionate ground is a need based Scheme and not an inherent right vested upon the family of the deceased employee. Only after it has been amply demonstrated that due to the sudden death of the Government employee, the family was reeling under serious financial difficulties, then only such an employment is offered. In this case, the applicant has not been able to satisfy the Tribunal of the serious financial conditions the family was passing through after the death of the employee. Further, being a minor at the time of death of her mother, the applicant was not eligible for such an employment. The respondent authorities were correct in taking their decision on this ground and

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rejecting the prayer of the applicant.

Thus, having finding no merit in this application, it is disposed of
without passing any orders.

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

S.M.