

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Administrative Member.

Case No. –OA-253 of 2021

Banalata Ghosh and Another. - Versus - The State of West Bengal & Others.

Serial No. and Date of order	For the Applicants	: Mr. S. Dey, Advocate.
<u>06</u> 13.06.2022.	For the State Respondents	: Mr. G. P. Banerjee, Advocate.

In the instant application, the applicant's father died-in-harness in service on 07.05.2000 when the applicant was only two years three months old. The application for compassionate employment which was then submitted by the mother of the applicant on plain paper was considered and rejected by the respondents by the impugned order dated 27.11.2019. On the following ground, the relevant portion is as under :-

“With reference to above I am directed to state the proposal on the above subject has been examined in this Department in the light of the notification No. 251-Emp. Dated 03.12.2013 of the Labour Department read with subsequent notification and the relevant case records. It appears that the candidate has not fulfilled the required conditions as paid down in the said Notifications for being eligible to be considered for appointment under exempted category. The candidate in this case was only 02 years 03 Months 09 Days old of the time of death (07.05.2000) of the deceased employee i.e. the candidate was minor at the time of death of the deceased employee.”

Learned advocate for the applicant submits that although the applicant was a minor at the time of death of the deceased father but the hope of such an employment was given by the respondents by calling him for physical verification and personal interview.

Learned advocate for the State respondents submits that as per Para 6 (c) of Notification No. 251-Emp. dated 03rd December, 2013 of Labour Department, Government of West Bengal, the application is not maintainable. Therefore, the application may be rejected.

Having heard the learned advocates and perusing the records, I am satisfied that the spirit of the Scheme on Compassionate Appointment is to extend immediate relief to the grieving family by offering an employment, if anyone in the family is eligible. But since in this case, the applicant was a mere lad of only 2 years, the respondent, guided by the Rule, was justified in regretting the representation. I find merit in the respondent's reason of rejection and thus find this application not maintainable.

The application is dismissed. No order as to cost.

(SAYEED AHMED BABA)
MEMBER(A)

S.M.