

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble SAYEED AHMED BABA, Member (A)

Case No. – OA-269 of 2021

Mukul Singha VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. S.K. Mitra,
Learned Advocate.

07
25.07.2022

For the State
Respondents : Mrs. S. Agarwal,
Learned Advocate.

In this application the applicant's father Sanauulla Sk. who worked as a Constable with W.B.P. died on 10.05.2011. As per the learned advocate for the applicant, soon after the death of the employee, the applicant's mother submitted a plain paper application for compassionate employment on behalf of her son, the applicant Saiful Islam. At the time of death of the deceased father, the applicant was a minor of 13 years and 10 days. After attaining majority, the applicant also submitted an application on 03.01.2017. Different procedures prior to his appointment, like physical test, medical test were conducted and his proposal for employment was submitted to the appropriate authority.

The respondent no. 2, Commissioner, Health & Hill Affairs Deptt. considered the proposal and rejected the same citing that " the proposal does not fulfil the required conditions as laid down in Notification No. 251-Emp and Notification 26-Emp of Labour Deptt."

Mr. Mitra submits that since the impugned order does not give specific reason for rejection of the proposal, the impugned order is bad in law, thus, it should be set aside and quashed. Mr. Mitra also submits that the intention of the

respondents is based on paragraph 6(c) of Notification 251-Emp which was deleted by Notification 26-Emp on 01.02.2016.

Mrs. Agarwal submits that the rejection in the impugned order was based on 10 (a) which is regarding financial assistance which is absolutely necessary to support the family. The impugned order was rejected based on 10 (a) of 251-Emp dated 3.12.2013 which makes it necessary to apply within six months from the date of death of the deceased employee. Mrs. Agarwal also submits that the rejection was also based on 10 (a) of 26-Emp which is the revised provision for application to be made within two years.

Mr. Mitra further submits that since the applicant was a minor, his mother submitted a valid application to the respondents which was received by them. Mr. Mitra submits that the mother submitted a plain paper application to the respondents on behalf of her son, the applicant herein. Mr. Mitra submits and prays that impugned order to be set aside because the impugned order does not give any specific reason from two notifications, the reason why application was rejected, the respondents has simply quoted the number of two notifications citing the two clause under which he was not found eligible and rejected.

Mrs. Agarwal further submits that in the scheme there is no such provision where a mother can submit an application on behalf of her minor son for compassionate employment to be given in future whenever the son attains majority.

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Both the parties has prayed for time so that they will submit relevant higher Court judgements supporting their submissions.

Let the matter appear for “Orders” on **10.11.2022**.

SAYEED AHMED BABA
MEMBER (A)

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