

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 276 of 2025

Smt. Kalyani Sarkar -- VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Ms. Nupur Chaudhuri
Ld. Advocate.
For the State Respondents : Mr. G.P. Banerjee,
Ld. Advocate.

02
18.08.2025

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 has filed this application praying for setting aside the impugned Memo. No. 919 dated 14.08.2023. By this Memo, the applicant was informed that her prayer for an appointment under compassionate ground is regretted due to “delayed submission of proforma application”. Ms. N. Chaudhuri, learned counsel draws attention to copy of the proforma application submitted by the applicant and suggests that this application was furnished before the respondent authorities on 13.05.2016, within admissible time required to furnish such an application. Jagabandhu Sarkar, her husband and the deceased employee had expired on 21.01.2016.

The Tribunal has been shown a copy of the plain paper application praying for terminal benefits as well an employment under compassionate ground, which was filed by the applicant addressed to the Rationing Officer, North 24-Parganas. A small entry shows that the application is dated 13.05.2016. Assuming this plain paper application was actually submitted by the applicant before the respondent authorities within two years from the date of death of the employee, but no clear receipt is seen from the office of the respondent authorities. It is also not satisfying that such plain paper application was forwarded by the Rationing Officer to higher authorities, in other words, there is no proof of such plain paper application received by the competent authority in the Department. On the last date of hearing of this matter, a copy of the proforma application was shown, annexed with this application. But the Tribunal had not seen any date nor any proof of submission.

Mr. Banerjee, learned counsel was advised to check the

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records. Today, he has shown a copy of the proforma application, which was submitted by the applicant and it is dated 27.03.2023, seven years after the date of death of the employee. The impugned order rejecting her prayer conveyed in Memo. No. 919 dated 14.08.2023 had taken the ground of delayed submission of proforma application as the rejection of the prayer for an appointment under compassionate ground.

After considering all the facts and circumstances of this case, the Tribunal is not satisfied that the prayer of the applicant has any merit. Further, the applicant has not stated in the application that the delay which occurred in submitting the proforma application was due to fault of the respondent authorities. It appears rather the applicant has accepted the fact of the delay. The applicant has only argued in her application that the respondent authorities took seven years in considering her application.

Ms. Chaudhuri draws attention to a judgment of this Tribunal in OA 681 of 2023 (Devtanu Ghosh v. The State of West Bengal & Others) and has argued that the applicant cannot be faulted for the delayed submission of proforma application unless it is given by the respondent authorities. This argument is not a valid one and lacks relevance.

In view of above observations, this application having no merit and is **disposed of** without passing any order.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

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