

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 278 of 2021**

**Murali Das -- VERSUS – The State of West Bengal & Ors.**

Serial No. and  
Date of order

For the Applicant : Mrs. S. Agarwal, Ld. Advocate.

For the State respondent : Mrs. S. Bandyopadhyay, Ld. Advocate.

06  
05.07.2023

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.

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

In the application, the applicant has prayed for an appointment under die-in-harness scheme. The father of the employee worked as a Group-D, Sweeper under Assistant Engineer, Housing Construction, Kalyani, Nadia and died-in-harness on 04.04.1997. Thereafter, based on an application for employment by the applicant, the respondent authority considered the same and rejected the prayer on the ground that the deceased employee was not a permanent employee, thus not entitled for compassionate employment to his legal heir. The submission of the learned counsel for the applicant is that the deceased employee was made a permanent employee by an office order no. 4855/1(10) dated 14.11.1977. Another order no. 568 dated 15.06.1983 has been presented before this Tribunal.

On examination of this, it appears that by this order a number of post for Sweeper were converted from Work-Charged post to permanent post. However, the applicant's side could not establish that by this order, the applicant's father, a Work-Charged Sweeper was also absorbed in permanent service. Since the applicant's side have not been able to substantiate the claim of the deceased employee as being permanent employee, the Tribunal is of the opinion that the reasoned order passed by the respondent dated 11.03.2020, describing the deceased employee as a Work-Charged employee and not permanent has merit and decision in regretting the compassionate employment was valid.

In view of above observation, this application is **disposed of** without any orders.

CSM/SS

**SAYEED AHMED BABA**  
**Officiating Chairperson & Member (A)**