

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 2024**

**Shakti Ranjan Mondal & Anr. -- VERSUS – The State of West Bengal & Others**

Serial No. and Date of order	For the Applicants	: Mr. G. P. Banerjee, Advocate.
<u>03</u> 29.01.2025	For the Respondent Nos. 1,4,5 & 6	: Ms. R. Sarkar, Mr. S. Debray, Mr. R. Bag, Departmental Representatives.
	For the Respondent Nos. 2 & 3	: None.

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.

The prayer in this application is for a direction to the respondent authorities to offer compassionate appointment in favour of the applicant no. 2, Avijit Mondal. The applicant has prayed for such an employment considering his grandfather who had worked in the office of JLRO, Andal, Burdwan as a night guard had been compelled to retire from service on 30.4.1979.

Hari Mohan Mondal, the grandfather of the applicant no. 2, Avijit Mondal, was an employee under the District Administration, Burdwan and held his last post as Night Guard in the office of the JLRO, Andal, Burdwan. The applicant states that though the employee was retired on 17.01.1984 but was “*compelled to retire from service on 30.04.1979, six years of his actual date of superannuation.*”

From the submissions of the learned counsel for the applicant and the records, the meaning of the words “*forced to retire*” is not clear. The Tribunal had advised both the applicant’s side as well as the State side to produce the documents enlightening the reason why he was compelled to retire six years earlier. Both sides have failed to do so, on the reason that such records relating to 1979 is not available.

Form No.

**Vs.**

Case No. **OA 278 of 2024**

**The State of West Bengal & Ors.**

Since neither any reason has been submitted orally nor any documents produced to enlighten how the employee retired, it becomes difficult for the Tribunal to find any merit in this application. The Scheme as stipulated in the extent Rules published by Labour Department in Notification Nos. 251-Emp. dated 03.12.2013 and 26-Emp. dated 01.03.2016 allow such an employment to eligible legal heirs of deceased employee who had died while in service or were declared permanently disabled or incapacitated by a Medical Board. Since it has neither been shown that Hari Mohan Mondal, the employee had died during service nor declared permanently incapacitated, the question of a compassionate employment for the applicant does not arise.

Further, as per the Scheme, as stipulated in the above mentioned Notifications, in the definition of the family, grandson of an employee is not included. Therefore, the applicant claiming to be the grandson of an employee is not entitled to benefit from such an employee.

In view of the above observations, the Tribunal does not find any merit in the prayers of the applicants for an employment under compassionate ground.

Therefore, it is disposed of without passing any order.

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

S.M.