

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

Mr. Sayeed Ahmed Baba, Officiating Chairperson and Hon'ble Member (A).

Case No. – OA 284 of 2024.

SUBHRAJYOTI SAHA - VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

03
28.01.2025.

For the Applicant : Mr. A. Ali,
Learned Advocate.
For the State Respondents : Mrs. S. Agarwal,
Learned Advocate.

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 prayer in this application is for a direction to the Respondent authorities for setting aside the impugned order of rejection dated 3rd September, 2021 and grant appointment to the applicant under compassionate ground.

By this impugned memo the Respondent authority regretted the prayer of the applicant for employment under compassionate ground. The Respondent authority observed that the provisions of the Notification No. 251-Emp dated 03.12.2013 read with Notification No. 26-Emp dated 01.03.2016 of the Labour Department was not covered.

From the submissions of the learned counsels and the records in this application, it is evident that after the death of Ramen Kumar Saha, the Constable with West Bengal Police on 15.6.2008, the widow and the applicant's mother submitted a plain paper application dated 30.3.2012 praying for an appointment under compassionate ground for her son. It is not in dispute that at the time of death of his father, the applicant whose date of birth is recorded as 09.10.1994 was a minor of 13 years 08 months and 06 days. The Respondent authority in the impugned order relied primarily on this point that such employment cannot be offered to legal heir, who was a minor at the time of death of his father. The applicant on 14.10.2021 after attaining the age of employment had applied himself before the Respondent authorities.

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THE STATE OF WEST BENGAL & ORS.

Having heard the submissions of the learned counsels and considering the facts and circumstances of the case, this Tribunal is of clear opinion that the reason of being a minor relied on by the Respondent authority rejecting the application was the correct decision and it was in accordance with Rules governing the Scheme and stipulated in Notification 251-Emp dated 03.12.2013 and 26-Emp. dated 01.03.2016. The Tribunal does not find any illegality in rejecting such an application on the ground as described above.

Accordingly, the application is disposed of without passing any orders.

(SAYEED AHMED BABA)
Officiating Chairperson and Member (A)

Skg & SM.