

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

THE HON'BLE SAYEED AHMED BABA, OFFICIATING CHAIRPERSON AND ADMINISTRATIVE MEMBER,

Case No. - OA 289 OF 2024

SANJAY MIRDHA - Vs - THE STATE OF WEST BENGAL & OTHERS

Serial No. and
Date of order

For the Applicant : Mrs. Sonali Mitra
Advocate

02

03.10.2024

For the State respondents : Mr.Ranjit Kumar Mondal
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.

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

Mrs.Mitra, learned counsel without disputing the fact that the deceased employee worked under work charge establishment, however, relies on an order of this Tribunal in OA-40 of 2019. Submission is that both the matters are similar in nature and this Tribunal had set aside the rejection order rejecting employment under the compassionate ground on the ground that the deceased employee was a work charged employee. Copy of the order of this Tribunal in OA-40 of 2019 is in this application.

Responding on behalf of the State respondents, Mr.Mondal, learned counsel refers to clause (f) of 251-Emp dated 03.12.2013, which stipulates that the scheme for compassionate employment is only for those employees who had worked under regular basis. Mr.Mondal also presents a copy of order of this Tribunal in OA-93 of 2021, in which, the Tribunal had clearly mentioned that the legal heirs of a work charged employee are not entitled under the existing rules for an employment under the compassionate ground.

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Mr.Mondal has also presented a copy of U.O. No. 27-Emp. issued by the Labour Department dated 03.06.2022, in which, it opined that “*the Administrative Department is informed that the deceased employee was a work charge employee and as such he is not considered as a regular Government employee for this Scheme*”.

Mrs.Mitra, learned counsel wishes to file a copy of the order of WPST-170 of 2014 dated 09.07.2014. Such copy be filed on the next date and a copy be served upon the other side.

This Tribunal has been functioning with just one Administrative Member for the last two years. Appreciating such serious constraints faced by the Tribunal, the leaned counsels Mrs.Mitra and Mr.Mondal, representing both the sides have no objection, if this matter is heard on 06.03.2025. Let this matter be listed under the heading “For Orders” on 6th March, 2025.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON AND MEMBER (A)

BLR