

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble SAYEED AHMED BABA, Member(A)

Case No. – OA-298 of 2021

Manoj Bag VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. S. Ghosh
Learned Advocate.

05
14.03.2022

For the State Respondent : Mr. G.P. Banerjee
Learned Advocate.

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 118-WBAT/1E-08/2003 (Pt.-II) dated 11th February, 2022 issued in exercise of the powers conferred under Section 6 (5) of the Administrative Tribunals Act, 1985.

Heard the counsels for both the parties.

The instant application is regarding compassionate employment to the applicant, Mr. Manoj Bag. The father of the applicant died on 04.11.2011 at the time when the applicant was 10 years old. Although, it appears from the record that the mother of the applicant had made an application regarding compassionate appointment to the minor child when he would attain majority. Based on the application for compassionate appointment made by the mother of the applicant, the petitioner, Manoj Bag was called for written test as well as interview under exempted category from January to March, 2012. However, Home & Hill Affairs Department on 03.04.2018 communicated the rejection order citing the guidelines of Labour Department's Notification No. 251-Emp dated 03.12.2013.

The relevant portion of the Notification is as hereunder :-

“The dependent member shall invariably attain the minimum age for recruitment within six months from the date of death or incapacitation of the concerned employee”

Learned advocate for the state respondent has also

ORDER SHEET

Form No.

Manoj Bag

Vs.

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The State of West Bengal & Ors.

submitted a citation of Hon'ble Apex Court reported in (1996) 1 SCC 301 where the Apex Court has held ...

“Since the death occurred way back in 1971, in which year the appellant was four years old, it cannot be said that he is entitled to be appointed after he attained majority long thereafter.”

Learned advocate submits that since the respondent has submitted in his prayer is financially in dire straits and very much needed an employment, for this, the application of the petitioner may be considered afresh.

However, at the time of writing the order, a relevant material has come to notice which is :-

The State of West Bengal & Ors. Vs. Arup Kumar Chakraborty in WPST No. 70 of 2017.

Let this matter be listed under the Heading **“To Be Mentioned” on 28.03.2022** for clarification regarding application of Judgement of the Hon'ble Court in this case

Since the circumstances beyond control, the Registry is unable to furnish plain copies of this order to the learned advocates for the parties, the Registry is directed to upload this order on the website of the Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.

SAYEED AHMED BABA
MEMBER (A)

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