

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-317 of 2024

Sri Rajat Kanti Karan. -- **VERSUS** – The State of West Bengal & Others

Serial No. and
Date of order

For the Applicant

: Mr. S. N. Ray,
Learned counsel.

04
21.03.2025

For the State Respondents

: Mr. S. K. Mondal,
Learned counsel.

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.

The applicant has prayed for a direction to the respondent authorities to give appointment to the applicant under compassionate ground. The father, Kanan Behari Karan was an employee under the Department of Agriculture and posted as Agricultural Demonstrator in the district of Paschim Medinipur. The employee died while in service on 08.08.1992 when the applicant was a minor.

It is an admitted fact and not disputed by the applicant's side that he had furnished his application praying for an employment under compassionate ground on 30.05.2005, a long time after the death of his father on 08.08.1992. It is also not in dispute that at the time of death of his father, the applicant, born on 16.01.1975, was a minor. The argument of Mr. S. N. Ray, learned counsel, who had relied on Memo. 166 dated 24.01.2022 that such delay in submission was due to the delay in release of family pension, is not a valid ground and cannot be accepted. Further, the contention is that the mother of the applicant had furnished an application praying for such an employment for herself within the permissible time is also not a valid ground. The mother's application even though it was on

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time cannot support and justify the delay in filing her son's application.

The Rules governing the scheme of compassionate employment requires a legal heir as an applicant to submit his application in the proforma application within two years from the date of death of the employee. From the copies of such prayers made before the respondent authorities, it is seen that the applicant had furnished a plain paper application on 01.12.2017 before the Block Development Officer (B.D.O.), Garbeta – I. Although, a copy of the proforma application signed by the applicant is annexed with this application but the Tribunal fails to see any acknowledgement by the respondent authorities, either a signature with the seal or any date of such acknowledgement. However, a copy of correspondence from the B.D.O., Garbeta – I addressed to the Director of Agriculture (Admin.) in Memo. No. 260 dated 11.02.2020 is clear.

After proper examination of the documents in this application, the Tribunal has observed that an application in proforma with all supporting documents was submitted by the B.D.O., Garbeta – I to the Agriculture Department on 11.02.2020. Prior to such submission the applicant had furnished a plain paper application, a copy available in this application shows the date as 01.12.2017. The death of the employee had occurred on 08.08.1992. Such submission of the application in the year 2017 was completely outside the permissible timeline. The Tribunal has also observed that this applicant's date of birth being 16.01.1975 was a minor at the time of death of his father on 08.08.1992.

Having examined the documents and considering the Rules relating to compassionate employment, the Tribunal is satisfied that the respondent authority had taken the correct decision in regretting such an application from the applicant. The Tribunal does not find any infirmity or irregularity about the decision was taken by the respondents in its Memo. 2955 dated

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Therefore, the prayer in this application not having any merit is disposed of without passing any orders.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

S.M.