

**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 318 of 2023**

**Ajay Pasma -- VERSUS – The State of West Bengal & Others**

Serial No. and  
Date of order

For the Applicant : Mr. D. K. Mukherjee,  
Advocate.

05  
19.11.2024

For the State Respondents : Mr. S. Ghosh,  
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 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

In terms of the direction of this Tribunal in OA-1055 of 2017, the respondent authorities considered the matter relating to compassionate employment and took the final decision by way of reasoned order on 12.12.2022. In the reasoned order, the primary ground relied on was belated submission of the application for employment under compassionate ground. It noted that such an application was furnished by the applicant after 3 years 9 months and 18 days from the date of death of the deceased employee. Madhu Pasma, the deceased employee had died on 18.11.2012. Such an application was furnished by Smt. Samua Pasma, the mother of the applicant. Mr. Mukherjee, learned counsel while assailing the impugned order reference to Clause 10(a)(a) of Notification 251-Emp dated 03.12.2013 which was incorporated by Notification 26-Emp dated 01.03.2016. Under this clause, a relaxation up to 5 years is allowed for submission of an application for compassionate employment provided the following two conditions are met.

- (i) Such death of the employee was due to action;
- (ii) None in the family was eligible at the time of death of the employee.

If any of the two conditions are fulfilled, the clause also stipulates that “the applicant / family member should have attained the minimum age of employment at the time of consideration”. Mr. Mukherjee has interpreted

Form No.

**Vs.**

Case No. **OA 318 of 2023**

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

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this by submitting that the applicant had already attained the age of employment when his application was considered by the respondents. However, the death was due to died in harness. Mr. Mukherjee, mistakenly believes that died in harness and death in action are synonymous and same.

Having heard the submissions of the learned counsels and on examinations of the records, the Tribunal has observed that, firstly, the application was submitted belatedly beyond the two years time. Further, the relaxation up to 5 years given under Clause 10(a)(a) is not applicable in this case for the applicant has not fulfilled any of the two conditions.

In view of the above observations, the Tribunal is not satisfied that the application so preferred by the mother on behalf of the applicant has any merit and has not fulfilled the eligibility criterias as required for such employment. Mere death of a government employee does not automatically confer any vested right upon the family members for such employment.

Hence, finding no merit in this case, this application is disposed of without passing any orders.

SAYEED AHMED BABA  
Officiating Chairperson & Member (A)

S.M.