

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 321 OF 2023

RIMA SAREN - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and
Date of order

05
19.11.2024

For the Applicant : Mr.D.K.Mukherjee
Advocate
For the State respondents : Mr.Goutam Pathak Banerjee
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.

In terms of the direction of this Tribunal in OA-96 of 2019, the respondent authorities considered the matter relating to compassionate employment and took the final decision by way of reasoned order on 09.01.2023. 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 4 years from the date of death of the deceased employee. Alma Saren, the deceased employee had died on 02.06.2013. Such an application was furnished by Smt. Jaba Besra, the mother of the applicant. Mr.Mukherjee, learned counsel while assailing the impugned order refers to Clause 10 (aa) 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.

ORDER SHEET

Form No.

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(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 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, the Tribunal observes that the application was submitted belatedly beyond the two years time. Further, the relaxation up to 5 years given under clause 10 (aa) is not applicable in this case for the reason that the applicant has not fulfilled any of the two conditions. Therefore, finding no merit, this application is disposed of without any orders.

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

BLR