

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 327 OF 2016

SUBHANKAR MANDAL - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and

Date of order

For the Applicant : Mr. Gaurav Halder,
Learned Advocate

For the State Respondents : Mr. Sankha Ghosh
Learned Advocate

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07.03.2025

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.

The prayer of the applicant for an employment under compassionate ground was considered by the respondent authorities on 14.10.2015. Citing 6(c)(c) of Notification No. 251-Emp., the proposal for such an employment under compassionate ground was regretted. The father of the applicant- Rakhal Chandra Mandal, had died in service on 07.07.2004 as FEOD under the Department of Fire and Emergency Services. The guidelines of 251-Emp dated 03.12.2013 relied by the respondent authorities at 6 (c) (c) says the following:

“The dependent member shall invariably attain the minimum age for recruitment within 6 months from the date of death or incapacitation of the concerned employee”.

His date of birth being 22.08.1994 the applicant was a minor even after expiry of 6 months from the date of death of the deceased father. The respondent authorities were correct in applying this particular clause of the Scheme in rejecting the application. Mr. Halder had submitted, though not disputing the fact that the applicant remained a minor even after 6 months from the date of death of the employee, however, had contended that at the time of consideration and rejection of his application on 14.10.2015, the applicant had already attained the age of employment. Mr. Halder had also submitted that subsequently, the very clause 6 (c)(c) of Notification 251-Emp.

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was deleted by the amendment made in the Notification 26-Emp. dated 01.03.2016. Submission was that such a clause which was subsequently deleted could not be applied in this case.

It is a fact that at the time of consideration of his application on 14.10.2015, the notification No. 251-Emp. dated 03.12.2013 and relied by the respondent authority was very much in existence. The notification No.26-Emp dated 01.03.2016 as taken support by the applicant was a later incidence and thus cannot be the ground praying for setting aside the memo No.1690 dated 14.10.2015. The clause 6 (c)(c) in this case was relevant at that point of time and therefore, the prayer could not be considered since the applicant was a minor and remained a minor even after 6 months from the date of death of the employee. Even if concession of two years was given, the applicant would not have attained the age of employment.

From the above observations, the Tribunal is satisfied that the respondent authorities had taken the correct decision as per the then prevailing guideline. Therefore, finding no merit, the application is disposed of without passing any orders.

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

SCN.