

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 341 OF 2023

BISWAJIT MURMU - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	:	Mr. Manujendra Narayan Roy, Mr. Gaurav Haldar, Learned Advocate
	For the State Respondents	:	Mr. Subit Kumar Mandal, Learned Advocate

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07.08.2025

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 in this application is for a direction to the respondent authorities to give an employment under compassionate ground to the applicant after setting aside the letter No.1976 dated 10.02.2017, issued by the Additional Director of Agriculture (Admn.).

The Additional Director of Agriculture (Admn.) had rejected the prayer of the applicant on the ground that “*at the time of date of death of the government employee he was not mature*”.

The father of the applicant, Bhim Murmu, a Krishi Shramik at Sub-Divisional Agricultural Research Firm, Kalna, in the district of Burdwan, died on 15.04.2007. As per the learned counsel for the applicant, soon after the death of the government employee, the mother of the applicant, Smt. Sundari Murmu made a plain paper application on 18.07.2007 for herself. The same was processed and forwarded on 24.07.2008 by the Sub-Divisional Agricultural Officer, Kalna to the Principal Agricultural Officer, Burdwan. An enquiry committee was formed. On 26.06.2015 the mother of the applicant submitted another application to the Assistant Director of Agriculture (Admn.), Kalna praying for an employment under compassionate ground now in favour of her son, the present applicant. On 10.02.2017 the Additional Director of Agriculture (Admn.) intimated the Deputy Director of Agriculture (Admn.), Burdwan Range that according to Clause 10 (a) (a) of the Notification No. 26-Emp dated 1st March, 2016, the application of the son did not come within the purview of consideration. The learned counsel for the applicant had submitted that the mother, being a psychiatric patient, treated in Antara Hospital at Baruipur, was not interested. The applicant made a representation dated

ORDER SHEET

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20.08.2018 to the Director, Agriculture Directorate praying for grant of compassionate employment in his favour followed by another representation dated 24.12.2018. Since those representations have not been considered, the applicant approached the Tribunal.

After examination of the records, the Tribunal finds that the applicant, being nearly 12 years 5 months and 8 days old at the time of date of death of the government employee on 15.04.2007, was a minor. On 26.06.2015 the mother of the applicant submitted another application to the Assistant Director of Agriculture (Admn.), Kalna praying for an employment under compassionate in favour of her son, which is after more than 2 years. Under the circumstances, the respondent authority, while considering the prayer of the applicant, had rightly intimated the applicant on 10.02.2017 regretting such an employment for him. The Rules governing the scheme under Notification No.251-Emp, dated 03.12.2013 and Notification 26-Emp dated 01.02.2016 of the Labour Department required the applicant not only to furnish the prayer for compassionate employment within two years from the date of death of the employee, but such applicant should have attained the age of employment as well. In the instant case, it is evident that the criterias of compassionate employment have not been fulfilled by the applicant. So, he was not entitled for an appointment under compassionate ground.

From the above observations, the Tribunal comes to the conclusion that the respondent authority was correct in not considering a compassionate employment in favour of the applicant. The ground of such rejection given in the impugned letter No.1976 dated 10.02.2017, issued by the Additional Director of Agriculture (Admn.) was valid and very much within the framework of the guidelines laid down for employment under compassionate ground. Thus, finding no merit in the prayers of the applicant, this application is disposed of without passing any orders.

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

SCN.