

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Bikash Bhavan, Salt Lake, Kolkata – 700 091.**

**Present-**

**The Hon'ble SAYEED AHMED BABA, Member (A)**

**Case No. – OA-342 of 2022**

Serial No. and Date of order	Kalyan Chandra Das For the Applicant	:	<b>VERSUS</b> – The State of West Bengal & Ors.. Mr. Z. Haque, Learned Advocate.
<u>04</u> 26.09.2022	For the State Respondents	:	Mr. G.P. Banerjee, Learned Advocate

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 536-WBAT/2J-15/2016 dated 26<sup>th</sup> August, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

Learned advocate for the applicant submits that the impugned order is void and not in compliance of the Hon'ble High Court's direction passed in WPST 89 of 2020, therefore, , it may be set aside with a direction to the respondent to offer compassionate employment. Learned advocate further submits that contrary to Hon'ble High Court's order in which the respondent was directed to proceed under circular of 2008 from the stage of interview, but the respondent has again cited the applicant being a minor at the time of his father's death as the reason.

Mr. Banerjee submits that in compliance with the Hon'ble Court's order, the 2008 circular was followed and the reasoned order makes it very clear that the applicant was not eligible for compassionate employment mainly due to the fact that the family could sustain itself for seven long years which proves that the

family was not in need of any immediate financial assistance. This is in consonance with the Rule 2(1) of Labour Notification No. 30-Emp dated 02.04.2008. 2(1)(i) of which is as under :-

“the family of the deceased or the retired employee as the case may be is in need of immediate assistance”

With the clause as cited above, the family was for seven years not in need of any economic assistance, therefore, as per the quoted rule, the application was rejected.

After hearing both the learned advocates, this Court is of the view that the Respondent has complied with the direction of the Hon'ble High Court's order by reconsidering the application on the basis of 2008 circular. In this reasoned order, the respondent has primarily given the reason for rejection on the ground that the family has been able to sustain for seven years, thus, as per the above circular, there was no immediate economic financial assistance needed.

Moreover, the respondent has referred to other judgement of the Hon'ble High Court in which the issue of belated application, financial hardship were considered and judgement passed.

This Court does not find any merit this application challenging the impugned order, hence it is dismissed.

Accordingly, the case is disposed of.

sc

SAYEED AHMED BABA  
MEMBER (A)

