

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 344 of 2018

Bithika Mudi - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and
Date of order

20
04.12.2023

For the Applicant : Mr. A.K. Banerjee,
Learned Advocate.

For the State Respondents : Mrs. S. Agarwal,
Learned 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.

The applicant has prayed for a direction to the respondent authorities not to give effect to the impugned order dated 02.03.2016. The impugned order, after consideration rejected the application for employment under compassionate ground primarily on the reason that the applicant was a Work Charged employee and was not absorbed as a regular employee against any regular vacancy in regular establishment. The Notification No. 4026-F dated 22.04.1974 has been relied on for regretting the application for compassionate employment.

Appearing on behalf of the applicant, Mr. Banerjee, learned counsel submits that the employee having worked as a Work Charged employee continuously for more than ten years, should have been absorbed under regular establishment.

Mr. Banerjee relies on the order of the Hon'ble High Court in WPST No. 170 of 2014.

Responding on behalf of the respondents, Mrs. Agarwal

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submits that it is evident from the impugned order, the husband of the applicant was only a Work Charged employee and the application for compassionate employment was not considered since he was not a regular employee.

Mrs. Agarwal refers para 2 of the Notification of Labour Deptt. 251-Emp dated 03.12.2013 which makes it clear that such compassionate employment will be available only for regular Govt. employees.

Since the husband of the applicant was a Work Charged employee and not on regular establishment, the legal heirs of the deceased employee are not eligible for such compassionate employment. Accordingly, the matter is disposed of without passing any orders.

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

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