

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 380 OF 2024

ARPITA JANA (GHOROI) - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and
Date of order

For the Applicant : Mrs. Sonali Mitra
Advocate

04
20.08.2025

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.

By filing this application, the applicant had prayed for setting the impugned Memo. dated 19.02.2024. The Memo. being assailed was a communication from the Public Works Department to the Superintending Engineer, Electrical Planning and Monitoring Circle intimating that the proposal of the applicant for an employment under compassionate ground was regretted. The primary ground shown in the impugned order is that the applicant filed her proforma application beyond two years from the date of death of the employee. The deceased employee, Kamalesh Ghoroi, had worked as Junior Engineer under the Public Works Department and died on 24.04.2020. Attention has been drawn to copies of email, Arpita Jana (Ghoroi) as widow wrote to the Executive Engineer (E), Planning Division, Kolkata. In the email she had intimated that her husband is deceased and prayed for death-cum-retirement benefits including an employment under compassionate ground. Later, she submitted the proforma application on 14.09.2023. The fact of her submission of the proforma application on 14.09.2023 has been admitted by the respondent authorities in the impugned Memo. referred above. A copy of the Executive Engineer's correspondence dated 21.06.2023 to the Joint Secretary (Personnel)

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shows that such a proposal was submitted. In terms of the relevant Notifications relating to employment under compassionate ground, the legal heirs and the applicant is required to submit a proforma application within two years from the date of death of the employee. In this case, the death of her husband was on 24.04.2020 and she was required to submit the proforma application within 23.04.2022. It is also observed that the respondent authorities in their reasoned order did not acknowledge the fact that she had sent the email to the Executive Engineer on 16.07.2020 within three months from the date of death of her husband. Mrs.S.Mitra, learned counsel admitting the delay in submission of the proforma application, however, has argued that such delay occurred due to the restrictions during the COVID-19 pandemic situation. She also mentions that as per Hon'ble Supreme Court directions considering the difficulties of the litigants during the COVID-19 pandemic situation, had relaxed the limitation period from 15.03.2020 to 18.02.2022. Considering such difficulty during the COVID period, the applicant was not in a position to personally go and furnish the proforma application before the office of the respondent authorities.

However, Mr. Banerjee, learned counsel is of the view that the judgment cited above is not applicable in this case because the Government offices were open during this period.

The Tribunal having heard the submissions of the parties and having examined the documents, in particular, the judgment passed by Hon'ble Supreme Court of India in Suo Motu Writ Petition (C) No. 3 of 2020 finds the contention of the applicant to be correct. It has been properly examined and it is the finding of this Tribunal that the applicant was not able to submit the proforma application within the two years permissible time since many restrictions were in place during the covid-

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19 pandemic period including complete lock downs. The relevant portion of the judgment of the Hon'ble Supreme Court is as under :

“1. The order dated 23.03.2020 is restored and in continuation of the subsequent orders dated 08.03.2021, 27.04.2021 and 23.09.2021, it is directed that the period from 15.03.2020 till 28.02.2022 shall stand excluded for the purposes of limitation as may be prescribed under any general or special laws in respect of all judicial or quasi-judicial proceedings.”

In view of the above facts, the Tribunal is compelled to set aside the impugned memo dated 19.02.2024 with a further direction to the respondent no. 1, Secretary, Department of Public Works Department to pass a speaking and reasoned order in the light of the fact that during the period from 15.03.2020 till 28.02.2022, the Hon'ble Supreme Court had excluded the purpose of limitation under any general and special laws. Let such speaking and reasoned order be passed within a period of three months from the date of communication of this order and communicate the same to the applicant within two weeks thereof.

Accordingly, this application is **disposed of**.

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

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