

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

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

**Present-**

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

**Case No. – OA-383 of 2022**

**Pallabi Banerjee VERSUS – The State of West Bengal & Ors.**

Serial No. and  
Date of order

For the Applicant : Mr. S. Bhattacharyya,  
Mr. A. Bhattacharyya,  
Learned Advocates.

03  
02.08.2022

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

In this application, the applicant prays for setting aside the impugned order rejecting her prayer for compassionate employment. The impugned order dated 09.08.2011 rejected her application on the ground that the applicant was a minor and the application for compassionate employment was made after a lapse of five years though there was an eligible member for applying such employment. Mr. Bhattacharyya submits that the Notification No. 26-Emp where the Clause 10(aa) allows for consideration of belated applications should have been considered by the respondents. Moreover, the respondent did not take into consideration the recommendation of the enquiry committee which submitted its report on 02.04.2009 which recommended the employment to the applicant. Despite the recommendation of the committee, the respondents on 09.02.2021, again rejected the application on the ground that the applicant was a minor and her father, the husband of the deceased employee was eligible for employment at that point of time.

Mrs. Agarwal appearing on behalf of the respondents submits that the Scheme is meant for providing immediate help at the time of the death of the employee by providing an employment. It is not an open ended Scheme where in this case, the applicant was a minor at the time of death of the employee and become eligible only when she attained majority after five years. Although, at the time of the death of the deceased employee, the husband of the deceased employee was eligible for compassionate employment but did not apply for himself.

Mr. Bhattacharyya submits that a representation dated 12.04.2021 was forwarded by the CMOH, Purba Bardhaman to the Additional Director of Health Services (Personnel) on 10.08.2021. Meanwhile it has also come to his notice that a new enquiry committee was formed, which enquired and submitted its recommendation for compassionate employment to the Director of Health Services, W.B. Mr. Bhattacharyya submits that the Respondent No. (b), Director of Health Services, W.B. may be directed to dispose of the representation at the earliest.

After hearing both the learned advocates and considering the facts and circumstances, Respondent No. (b), Director of Health Services, W.B. is directed to dispose of the representation of the applicant dated 12.04.2021 by way of passing a reasoned order as per law within a period of eight weeks from the date of this order and the same may be communicated to the applicant

within a period of two weeks thereafter.

Accordingly, OA is disposed of.

SAYEED AHMED BABA  
MEMBER (A)

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