

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 385 OF 2023

SUBRATA DAS – VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. For the Applicant : Ms. K. Kulsum,
and Advocate
Date of For the State Respondents : None
order

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22.02.2024

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 parties, the case is taken up for consideration sitting singly.

After death of his father, Kartick Chandra Das, an employee at Fire & Emergency Service, Burdwan, the applicant had submitted his application for employment under compassionate ground. Only through a reply under the R.T.I. Act, it was communicated to him that such an application was considered and rejected on the following grounds:

- (i) That the applicant was only 16 years old at the time of death of the deceased employee. Therefore, invoking clause 6 (c) (c) of Notification No. 251-Emp. dated 03.12.2013 such an application was not found valid.
- (ii) That such an application was not submitted within six months from the date of death of the employee. Therefore, such application is barred by clause 10 (a) of Notification No. 26-Emp. Dated 03.12.2013.

However, Ms. K. Kulsum disagrees with such reason of rejection and draws attention to clause 10 (aa) of the amended Notification No. 251-Emp. Dated 01.03.2016 and submits that since his father had died in action on duty on 14.06.2010, therefore, a relaxation of upto 5 years was to be considered. Ms. Kulsum also emphasises that in the same clause, the respondent authorities were required to enquire into such an application through a 3-Member Screening-cum-Enquiring Committee. However, no such committee was formed and no such enquiry was conducted. Therefore, the competent authority considering such application for compassionate employment were not aware of the financial and economic condition of the family of the deceased employee.

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Submission is that since the proforma application was furnished before the respondent authorities and acknowledged by them on 01.12.2012, therefore, the question of belated application does not arise. As per clause 10 (aa) such application can be filed upto 5 years. Since the proforma application was filed on 01.12.2012 in less than five years' time, rejection on belated ground as mentioned in the R.T.I. reply is not a valid ground of rejection.

Heard the submissions of Ms. Kulsum. Let the response of the State respondents be heard on the next date.

Let the matter appear under the heading "Hearing" on 31.07.2024.

SCN.

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

WEST BENGAL ADMINISTRATIVE TRIBUNAL