

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

Case No. – OA 386 of 2024

Nayan Mondal -- VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mrs. S. Agarwal,
Ld. Advocate.
For the State Respondents : Mr. R. K. Mondal,
Ld. Advocate.

04
21.03.2025

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.

The prayer of the applicant for an employment under compassionate ground was considered and regretted by the respondent authorities. The first such consideration and rejection was on 20.12.2022. The matter was again reviewed and rejected by an order dated 02.05.2024. It appears that such rejection order was made after observing that the applicant was a minor at the time of death of the employee, his father. Although, the mother had furnished a plain paper application within the permissible time praying for such an employment on behalf of her son, the applicant, but it was not considered. Later, the applicant himself when he attained the age of employment furnished an application in the prescribed proforma on 22.08.2008. Copy of this proforma application shows a signature under the seal of Extension Officer of Sericulture, Officer-in-Charge, Ambar/Falakata Sericulture Project, Jalpaiguri and is dated 22.08.2008.

Mrs. Agarwal, learned counsel had pointed out that the date mentioned in the reasoned order dated 02.05.2024 as date of birth of the applicant as 15.01.1998 should have been 15.01.1988. Another error pointed out in the same reasoned order appearing at para 3 is that the proforma application was submitted on 06.09.2016, whereas as evident from the copy, the date should have been 22.08.2008.

Attention has been drawn to the copies of the report submitted by the Enquiry Committee recommending the case of

Form No.

Case No. **OA-386 of 2024**

Vs.

The State of West Bengal & Ors.

the applicant, such report is also supported by a detailed calculation showing Rs.2,366/- as the gross monthly income of the family against Rs.4,415/- of the last gross salary drawn by the employee on 12.11.2000 before his death. Submission is that from this statement, it is clear that the total income of the family is far below 90% of the gross salary last drawn by the deceased employee.

Mr. Mondal, learned counsel had pointed out that although the father of the applicant, the deceased employee had died on 12.11.2000, but as evident from the proforma application, the applicant was a minor at the time of death of his father. He was only 13 years of age at the time of death of his father. In terms of Rule 10A of Notification No. 251-Emp., the applicant could not attain the age of employment within two years from the date of death of the employee.

Having heard the submission and the documents examined, it is clear to this Tribunal, and not in dispute, that the applicant was a minor at the time of death of his father, the deceased employee on 12.11.2000. In terms of the Scheme, a minor, who remained a minor, even after two years from the date of death of the employee, is not entitled to apply. Further, a compassionate appointment is not a vested right of the family. An applicant has to fulfil all the conditions laid down in the Scheme. In this case, the Tribunal is not satisfied that neither any financial crisis has been manifested due to death by the family nor the applicant fulfilled the conditions. Therefore, the prayers in this application cannot be accepted.

This application is **disposed of** without any order.

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SAYEED AHMED BABA
Officiating Chairperson & Member (A)