

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

Mr. Sayeed Ahmed Baba, Officiating Chairperson and Hon'ble Member (A).

Case No. – OA 412 of 2024.

AVINABA DEY - VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

02
19.11.2024

For the Applicant : None.
For the State Respondents : Mrs. S. Agarwal,
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.

Affidavit of service filed today be kept on record.

By filing this application, the applicant has prayed for setting aside the impugned memos 457 dated 22.2.2024 and 1794 dated 20.6.2024. By these memos, the applicant's prayer for employment under compassionate ground was regretted primarily on two grounds :-

1. Late submission of application.
2. Need for immediate financial assistance not established.

After the death of his father, Biswanath Dey, who was an employee holding the post of Field Assistant, Grade-I, the applicant applied for himself an employment under compassionate ground by submitting a plain paper application on 21.7.2010. After completion of the formalities, the Deputy Director forwarded such a proposal along with relevant documents to the Joint Director on 04.10.2010. While his application was processed, the mother submitted a letter to the Director of Textile on 10.5.2011 expressing herself to be beneficiary of such an employment in place of her son, whose application was earlier submitted and processed. The office of the Deputy Director received her application along with other relevant documents and forwarded the proposal to the Joint Director on 08.07.2011. The Department of MSME and Textile, being the competent authority arrived at a decision that such a proposal for

ORDER SHEET

Form No.

AVINABA DEY.

-Vs-

Case No. OA 412 of 2024.

THE STATE OF WEST BENGAL & ORS.

employment on compassionate ground for Joysree Dey , the mother of the applicant was not admissible as per para 14(a) of Notification 251-Emp dated 02.12.2013.

Having known that her application for such employment was turned down, the mother now furnished an application before the Deputy Director on 22.02.2016 requesting her son, Avinaba Dey be considered for such an employment. This was followed by the applicant himself submitting an application for himself on 02.8.2016 addressed to the Deputy Director. Again the application along with relevant documents were converted into a proposal and submitted by the Deputy Director, Barhampur to the Joint Director on 24.07.2018. A screening-cum-enquiry committee was formed to enquire into this application on 08.11.2019. After all the formalities were completed, the Department considered the proposal and regretted the same by memo 457 dated 22.02.2024 on the ground that such an application was a belated application and therefore, not admissible as per Notification 251-Emp and 26-Emp dated 03.12.2013 and 01.03.2016 respectively. The Department also observed that the family was not passing through any financial difficulties and therefore, the need for immediate financial assistance was not established. Faced with such response of the Department, the applicant preferred an application praying for reconsideration of the decision. The Department in memo 1794 dated 20th June, 2024 reconsidered the matter but repeated the same decision on the same ground.

Submission of Ms. Chatterjee, learned counsel for the applicant is that the rejection ground of belated application is not a valid ground for the reason that the applicant had in the first round applied for himself on 21.7.2010 within two years from the date of death of his father. The submission is that the applicant being an unemployed educated person is financially dependent on the family pension received by his mother.

From the submissions of the learned counsel and the records in this application, it has become clear that application for an employment under compassionate ground was used on a “trial and error” basis. First, this applicant being the son had applied and while his application was being processed, the applicant’s

ORDER SHEET

Form No.

AVINABA DEY.

-Vs-

Case No. OA 412 of 2024.

THE STATE OF WEST BENGAL & ORS.

mother, Smt. Joysree Dey submits her own application replacing the son's. Interestingly, when her application was regretted, the son steps in again and applies for himself. It has to be remembered that the Scheme for compassionate employment is a need based Scheme, where it has to be manifestly demonstrated that due to death of the earning member, the family is passing through severe and untold financial misery. Only upon such satisfaction and after due enquiry by the screening-cum-enquiry committee, the respondent authority can initiate action to favour an employment to the needy family. Compassionate in the form of an employment cannot be endless game to suit the changing moods of the family. In this case, it has been clearly manifested that the family was not in dire strait and an employment was of utmost necessity. In short, a compassionate employment has been perceived by the family members as their vested right. The Tribunal is not able to be satisfied with the prayer of the applicant and there does not appear to be any immediate need for financial or economic assistance.

Accordingly, this application is disposed of without passing any order.

(SAYEED AHMED BABA)
Officiating Chairperson and Member (A).

Sk.