

ORDER SHEET

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 422 of 2020

Bashan Bauri -- **VERSUS** – The State of West Bengal & Ors.

Serial No. and

For the Applicant : Mr. G. Halder, Ld. Advocate.

Date of order

For the State respondent : Mr. S.K. Mondal, Ld. Advocate.

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20.12.2022

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

The applicant has filed this application in which the primary relief is a direction to the respondent to offer compassionate employment. Mr. Halder, learned counsel appearing on behalf of the applicant submits that although eligible and having applied in proper format, the respondent by a reasoned order dated 26.09.2018 rejected the application without considering the facts of the matter.

Mr. Mondal, learned counsel defending the State in its reasoned order states that the applicant's application for compassionate employment does not have any merit and the same was considered and a reasoned order passed by the respondent rejecting the same mainly on the following two grounds :

- (1) A belated application was made after 12 years from the death of the deceased employee. The respondent wonders if for 12 years the family could subsist financially (then quoting Notification 251-Emp.) the family is not in need of a compassionate employment to subsist itself.
- (2) The respondent has also pointed out that the deceased employee, Aswini Bauri was not under regular establishment, therefore, not eligible for compassionate employment to his legal heir as per Rules.

Mr. Halder prays for accommodation to submit a supplementary affidavit challenging the points mentioned in the reasoned order of the respondent.

Let the matter appear under the heading "**Admission Hearing**" on **08.05.2023**.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

CSM/SS