

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 425 of 2023

Anirban Bose - Vs - The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant

:

Mrs. Sonali Mitra,
Learned Advocate.

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20.06.2024.

For the State Respondents

Mrs. Sunita Agarwal
Learned 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.

The father of the applicant Tarapada Bose working as S.I. of Police died in service while posted at Dakshin Dinajpur district on 09.04.2005. From the copies of hand written plain paper application, it appears that the applicant had prayed for an employment under compassionate ground before the S.P. – Dakshin Dinajpur. From the two impugned references in this application dated 13.10.2020 from the Commissioner and 05.02.2021 from the D.I.G. of Police (P.W), it is clear that his application for compassionate employment was not accepted. In both these impugned references, the primary reason cited by the respondents was that the applicant was a minor of 11 years 5 months and 21 days at the time of death of his father, the deceased government employee. The impugned references also note that after the death of the deceased employee, the family does not seem to be passing through any financial crisis.

Appearing on behalf of the applicant Mrs. Mitra submits that within the stipulated time, the applicant's mother had filed an application for such employment for herself. Since such application filed on time was not considered and later when the mother left the family, the applicant was compelled to apply for himself. Though the technical

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ground of rejection on being a minor is not challenged, however, the applicant feels that the respondent authority should have appreciated the fact that the mother had applied on time.

Mrs Agarwal and Mr. Bhattacharya appearing on behalf of the respondent authority relies on the grounds cited in both the impugned references and submits that since such an application was not found admissible, therefore, it was regretted.

It is not in dispute that at the time of death of the deceased employee, the applicant was minor of only 11 (eleven) years 5 (months) and 21 (twenty one) days. The Scheme does not entitle such a minor benefit of compassionate employment when he attends the age of employment. Further by such delayed application, the need of financial assistance for the family has not been substantiated as the family had been waiting till the minor became an adult..

Having considered the aforesaid facts, the Tribunal does not find any merit in the prayer. The application, is therefore, disposed of without passing any orders.

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

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