

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Administrative Member.

Case No. –OA 451 of 2022

Smt. Sabita Barman. - Versus - The State of West Bengal & Others.

Serial No. and Date of order	For the Applicant	: Mrs. S. Agarwal, Advocate.
<u>04</u> 22.09.2022.	For the State Respondents	: Mr. S. Ghosh, Advocate.

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 536-WBAT/2J-15/2016 dated 26th August, 2022 issued in exercise of the powers conferred under Section 5 (6) of the Administrative Tribunals Act, 1985.

In this application the prayer is for directing the respondents to grant compassionate allowance to the widow of the dismissed employee. It appears that the employee was dismissed by the respondents after due procedures.

Mrs. S. Agarwal, learned advocate for the applicant submits that although there is no provision for pension for a dismissed employee, but considering the distress of the family especially the widow the compassionate allowance may be provided under Rule 12 Note (03) of Death Cum Retirement Benefit Rules, 1971.

It appears that on 08.04.2021 the Deputy Inspector General of Police (P&W), D-G&I-GP West Bengal had submitted a letter to the Assistant Secretary, Home & Hill Affairs Department, Government of West Bengal requesting for instructions in connection with the grant of compassionate allowance in favour of the widow.

Mrs. Agarwal submits that considering the hardship of the widow the respondents may be directed to consider her case for release of compassionate allowance under Rule 12 Note (03) of Death Cum Retirement Benefit Rules, 1971.

ORDER SHEET

Form No.

Smt. Sabita Barman.

Case No. **OA 451 of 2022.**

Vs.

The State of West Bengal & Others.

Mr. S. Ghosh, learned advocate for the State respondents submits that compassionate allowance as mentioned in Death Cum Retirement Benefit Rules, 1971 is not applicable in this case.

Having heard both the learned advocates, the matter is disposed of by directing the respondent no. 1 – the Additional Chief Secretary, Home & Hill Affairs Department, Government of West Bengal to consider the representation appearing at page 17 by the applicant for grant of compassionate allowance which is the discretion of the respondent authority under Rule 12 Note (03) of Death Cum Retirement Benefit Rules, 1971 within a period of 16 (sixteen) weeks from the date of this order and communicate the reasoned order to the applicant within a period of 02 (two) weeks thereafter.

Accordingly, the matter is disposed of.

(SAYEED AHMED BABA)
MEMBER(A)

S.M.