

ORDERSHEET
WESTBENGALADMINISTRATIVETRIBUNAL
Bikash Bhavan, Salt Lake, Kolkata-700 091.

Present-

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

CaseNo.-OA456of 2024.

RANU GHOSH-VERSUS-THE STATE OF WEST BENGAL & ORS.

SerialNo.and
Date of order

03
15.05.2025

For the Applicant

: Mr. S. Ghosh,
Mr. G. Halder,
Mrs. S. Das,
Ld. Advocates.

For the State Respondents

:Mr. D. Kole,
Ld. 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 applicant has prayed for a direction to the Respondent Authority to take final decision regarding her prayer for an employment under compassionate ground. The father of the applicant, Kiriti Mohan Ghosh had died in service on 30.08.2011 working as a Peon in the office of the Executive Engineer, Burdwan North Highway Division, Public Works (Roads) Directorate, - the respondent no. 5. Few months before her father expired, the applicant had married on 18.04.2011. The mother of the applicant, Chanpa Rani Ghosh had applied for herself for such employment within the permissible time on 24.10.2011 but, later her application was rejected on the ground that she had already crossed the upper age limit. The applicant, being the married daughter had applied on 27.01.2021 before the Respondent authorities and the Screening-cum-Enquiring Committee furnished its report on 30.12.2022 strongly recommending such an employment in favour of the applicant. The proposal along with the enquiry report and other relevant documents was submitted by the Executive Engineer on 27.02.2023 to the Superintending Engineer, Western Highway Circle-I, Public Works (Roads) Directorate. The Superintending Engineer by his letter dated 15.07.2024 communicated his opinion that the applicant was a married daughter at the time of death of her father and in terms of 04-Emp

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Dated 4th January, 2011 she is not eligible.

Mr. Bhattacharjee and Mrs. Das, learned counsels argue that the Respondent authority, Superintending Engineer in his communication dated 15.7.2024 had expressed an incorrect and untenable opinion by relying on 04-Emp Notification. They have drawn attention to Labr/419/Law dated 04.11.2022 published by the Labour Department. Notification No. Labr/419/Law dated 04.11.2022, amended certain provisions of the Notification 251-Emp dated 03.12.2013. The relevant amendment in this case being clause 3(c) which is as under:-

SL. No.	Existing/New Clause/Para No.	Existing Provision	Proposed Provision.
1.	Cl3(b),3(c),3(d) of Notification No. 251-Emp dated 03.12.2013	(c) Unmarried daughter(including legally adopted unmarried daughter before death or incapacitation);	(C) daughter(including legally adopted daughter before death or incapacitation or missing); or

The amended 3(C) of 251-Emp dated 03.12.2013 defines members of the dependant family who are entitled for an employment under compassionate ground. By this amendment, it has become clear that daughters, even married daughters, whose marriage were solemnised before the death of the deceased employee, are not only family members, but they are also entitled to apply for employment under compassionate ground.

Submission is that the Respondent authority did not rely on this Notification Labr/419/Law which after amending the provisions of the main Notification 251-Emp, married daughter is entitled to apply for such employment.

Mr. Koley has submitted that though the applicant is a married daughter and entitled to apply but in terms of the law laid down by the Hon'ble Apex Court in SLPNo.17563 of 2018, she also has to fulfil certain other conditions. The

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Respondent authorities need to examine whether the applicant had fulfilled these conditions or not.

Having heard the submissions of the learned counsels and after examining the papers in this application, this matter is disposed of by directing the respondent no. 5, the Executive Engineer, Burdwan North Highway Division to examine prayer of the applicant for an employment under compassionate ground and submit the same before the competent authority as per relevant rules within 90 (ninety) days from the date of communication of this order.

Accordingly, this application is **disposed of**.

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

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