

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 46 of 2024

Sk. Nasir Ahmed -- **VERSUS** – The State of West Bengal & Others

Serial No. and
Date of order

For the Applicant

: Mr. S. Ghosh,
Ld. Advocate.

03
19.11.2024

For the State Respondents

: Mr. G.P. Banerjee,
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 prayer in this application is for quashing and setting aside the impugned Memo No. 2639 dated 29.08.2018. This impugned Memo is a correspondence from the Department of Home & Hill Affairs to the D.G.& I.G. of Police, West Bengal communicating the decision of the Department relating to the prayer of the applicant for an employment under compassionate ground. The Department put forward the ground that the applicant was only 11 years 10 months and 4 days old at the time of death of his father, the deceased constable, Sk. Abdul Majid. The deceased employee had died in a road accident on 30.06.2006. At the time of death of his father, the applicant was a minor and this fact was not disagreed. Though, it is not shown in the application as to when the applicant first applied for such a post, but it appears that he had participated in the selection process for the post of L.D.C. on 22.11.2013.

From the submission of the learned counsels and after examination of the records in this application it appears that the applicant though not disagreeing with the reason for rejection but has appealed for treating this case as a special case for the reason that his father had died while discharging his official duties. However, from the records in this application it is not convincing to the Tribunal that this case should be considered as

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death in action and relaxation of up to five years be given for submission in this application. . The applicant's side has not satisfied the Tribunal with proper reasons as to why the impugned decision of the Department should be set aside. It is a fact that both the applicant and his mother were asked to appear in interviews at the district level for the post of L.D.C. and Lady Constable but these actions on the part of the respondent authorities at the district level cannot be taken as a positive gesture on the part of the respondent authorities for consideration of his application for employment under compassionate ground. The district authorities, as required, were conducting basic tests to check feasibility of the applicant for being suitable to any government position. The final decision rests with the competent authority in the Department. It is also necessary to reiterate that compassionate employment is not a vested right of the family. It is only a need based concept and can be considered positively if all eligible criterias as stipulated in the guidelines are fulfilled by the applicant. In this case, one of the important criteria has not been fulfilled by the applicant which is at the time of death of the deceased employee, the applicant was a minor of 11 years old. Thus finding this application devoid of any merit it is disposed of without passing any orders.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

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