

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 462 of 2019

Shri Ashis Das. - Versus - The State of West Bengal & Others.

Serial No. and
Date of order

For the Applicant

: Mr. P. Chatterjee,
Advocate.

19
20.03.2024.

For the State Respondents

: Mr. G. P. Banerjee,
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.

On consent of the learned counsels for the contesting parties, the case is taken up for consideration sitting singly.

By passing impugned order on 21.05.2018, the applicant's prayer for an employment under compassionate ground was rejected, primarily on the ground that the deceased employee was a work-charged establishment employee and not under regular establishment. It is not in dispute that the deceased employee, father of the applicant was a work-charged employee. But the learned counsel for the applicant Mr. Chatterjee argues that in a similar case, one Kanaka Khetrapal was given such an appointment. Kanaka Khetrapal's deceased husband Santosh Kumar Khetrapal was also a 'Khalasi' and under work-charged establishment. In fact, the reply of the State respondents has agreed that such an employment was given to Kanaka Khetrapal.

Mr. G. P. Banerjee, learned counsel for the State respondents has submitted that the Department of Irrigation and Waterways had moved a proposal before the Finance Department for its approval to absorb 916 such work-charged employees into regular establishment but the Finance Department did not agree citing the judgment of the Hon'ble Supreme Court in the matter relating regularisation of casual workers. Similarly, the Finance Department also did not agree to another proposal

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to allow benefits of regular employees to the employees under work-charged establishment. Mr. Banerjee has also submitted that the approval on compassionate employment given to Kanaka Khetrapal was much earlier than such opinion of the Finance Department. In the case of Kanaka Khetrapal, such consideration was made in the year 2006 whereas the Finance Department proposal was moved in 2012.

Having heard the submissions of the learned counsels and on examination on records in this application, the Tribunal finds that it is not in dispute that the deceased employee was under work-charged establishment. Since Rules relating to the scheme for employment under the compassionate ground is clear that such benefit cannot be given to legal heirs of deceased work-charged employees, therefore, the Tribunal does not find the prayers in this application valid and admissible.

Hence, the application is disposed of without passing any orders.

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

HS/SM