

**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 463 of 2023**

**Safiulla Saikh -- VERSUS – The State of West Bengal & Ors.**

Serial No. and  
Date of order

For the Applicant : Ms. Tulika Bhattacharyya, Ld. Advocate.

For the State respondent : Mr. G.P. Banerjee, Ld. Advocate.

03  
04.03.2024

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 23<sup>rd</sup> 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.

The applicant being the grandson of the deceased employee had applied for an employment under compassionate ground which was considered and rejected by the impugned order of the respondent authorities passed on 07.09.2022. The deceased employee, the applicant's grandfather had died on 13.06.2011 and the applicant's father had submitted such an application. However, the father after making such an application also expired.

Submission of Mr. Banerjee, learned counsel for the State respondents is that such an application is not admissible for compassionate employment by a grandson of the deceased employee. He submits that as per the impugned Notification No. 251-Emp. of the Labour Department, the definition of "family" has been clearly laid down and grandson is not a family member for the purpose of compassionate employment. Disagreeing with what Mr. Banerjee has submitted about the admissibility of this application, Ms. Bhattacharyya submits that this particular Notification No. 251-Emp. dated 03.12.2013 was published at a later date from the death of the employee which occurred in 2011. Therefore, this particular Rule is not relevant in this matter to which Mr. Banerjee disagrees and submits that the Notification No. 251-Emp. was issued in supersession of all previous orders in this respect. Therefore, the ground laid down in Notification No. 251-Emp. for admissibility of such application has to be taken as relevant even prior to its publication. To submit further with the support of more relevant documents, Ms. Bhattacharyya prays for accommodation.

Let the matter appear under the heading "**Admission Hearing**" on **29.07.2024**.

CSM/SS

**SAYEED AHMED BABA**  
**Officiating Chairperson & Member (A)**