

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 469 OF 2024

SHIB SHANKAR SARKAR - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	:	Ms. Shabana Hasin, Learned Advocate
	For the State Respondents	:	Mr. Gaurav Haldar, Learned Advocate

5
04.09.2025 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 a direction to the respondent authorities to give an employment under compassionate ground to the applicant after setting aside the impugned order of rejection No.342 dated 13.04.2015, issued by the Joint Secretary, Public Works Department.

The prayer of the applicant was rejected by the authority on the ground that he was a minor at the time of date of death of the government employee.

The father of the applicant, Naba Kumar Sarkar, a Khalashi attached to Murshidabad Highway Division No.II, died in harness on 03.06.2009. The applicant himself applied on a plain paper on 31.07.2009. The date of birth of the applicant being 14.04.1993, he was only about 16 years at the time of date of death of the government employee. As per the learned counsel for the applicant, the deceased employee was converted to the regular establishment with effect from 01.01.2000 after serving under work-charged establishment for 10 years. On 01.11.2010 and on 20.06.2016, the applicant submitted other plain paper applications. An enquiry was made by the enquiry committee formed by the respondents. Neither any proforma application nor any report of Three-Men Enquiry-cum-Screening Committee has been annexed by the applicant in support of his claim. By his memo No. 342 dated 13.04.2015, the Joint Secretary, Public Works Department, rejected the prayer of the applicant on the ground that the applicant was a minor at the time of date of death of the government employee.

ORDER SHEET

Form No.

SHIB SHANKAR SARKAR

Vs.

Case No. - OA 469 OF 2024

THE STATE OF WEST BENGAL & ORS.

After examination of the records, the Tribunal finds that the applicant was a minor at the time of death of the government employee. Though there was a suitable and eligible candidate in the family, namely Ashalata Sarkar, daughter, she did not apply. The Rules governing the Scheme under Notification No.251-Emp, dated 03.12.2013 and Notification 26-Emp dated 01.02.2016 of the Labour Department required the applicant not only to furnish the prayer for compassionate employment within two years from the date of death of the employee, but such applicant should have attained the age of employment as well. The primary reason given for such regret was that the applicant was a minor at the time of date of death of the government employee. The criterias of compassionate employment have not been fulfilled by the applicant. So, he was not entitled for an appointment under compassionate ground.

From the above observations, the Tribunal comes to the conclusion that the respondent authority was correct in not considering a compassionate employment in favour of the applicant. The ground of such rejection given in the impugned memo No. 342 dated 13.04.2015 was valid and very much within the framework of the guidelines laid down for employment under compassionate ground. Thus, finding no merit in the prayers of the applicant, this application is disposed of without passing any orders.

(SAYEED AHMED BABA)

OFFICIATING CHAIRPERSON

and MEMBER (A)

SCN.