

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

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Case No. – OA 506 of 2022

Salma Khatun -- **VERSUS** – The State of West Bengal & Ors.

Case No. – OA 457 of 2023

Rokeya Ruksana Bibi -- **VERSUS** – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicant (In OA-506 of 2022)	: Mr. M.N. Roy, Ld. Advocate.
<u>08 & 03</u> 17.01.2024	For the State respondent (In OA-506 of 2022)	: Ms. R. Sarkar, Mr. S. Debray, Mrs. A. Bhattacharya, Ld. Depttl. Reps.
	For the Pvt. Respondent (In OA-506 of 2022)	: None.
	For the Applicant (In OA-457 of 2023)	: None.
	For the State respondent (In OA-457 of 2023)	: Ms. R. Sarkar, Mr. S. Debray, Mrs. A. Bhattacharya, Ld. Depttl. Reps.
	For the Pvt. Respondent (In OA-457 of 2023)	: Mr. M.N. Roy, 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.

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

The two applications relating to compassionate employment – OA 506 of 2022 and OA 457 of 2023 are taken up for consideration analogously.

A Government employee, Rafiuddin Ahmed had died while in service on 04.07.2021 leaving behind his (i) widow Sayrabanu Bibi, (ii) Son, Motiuddin Ahmed, daughters (iii) Rokeya Ruksana Bibi (married) and (iv) Salma Khatun. Though the son, Motiuddin Ahmed had filed an application for compassionate employment within the time-frame, but went missing and till today remains untraced. Since the brother had applied but remained missing, the two sisters, Salma Khatun and Rokeya Ruksana Bibi submitted their own separate applications for compassionate employment on 20.04.2015 and 14.12.2015 respectively. At the time of their father's death, Salma Khatun

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was a minor and her step sister, Rokeya Ruksana Bibi was a married woman. In compliance to the direction of this Tribunal in OA 673 of 2021 and OA 37 of 2017, the respondent, Secretary, Land & Land Reforms Department considered both the applications and passed a reasoned order. The impugned reasoned order observed the following reasons for rejecting both the applications :-

- (i) Rokeya Ruksana Bibi's application was not only made after the lapse of admissible time, but she was also a married woman at the time of her father's death. Moreover, in the application, she has not proved that though married, she was entirely dependent on the income of her deceased father.
- (ii) The application of Salma Khatun was rejected on the single ground that at the time of her father's death, she was a minor and thus, not eligible for such employment.

It also appears that though both the step sisters applied for compassionate employment separately, but neither was willing to provide NOC to the other. Due to family feud, such NOC was not obtained by each of the applicant from the other side. The spirit of compassionate employment stresses upon the fact that once such an employment is offered, the applicant should look after the members of the family.

Having heard the submissions of the learned counsels and perusing the records in these two applications, the Tribunal has come to this finding that both the sisters are not entitled for an employment under compassionate ground. It is a well settled law that offering of a compassionate employment is a goodwill gesture of the State to help the grieving family to tide over the immediate financial crisis. No member of the family can demand and claim such employment as her/his vested right. In both the cases, there was no proof to satisfy this Tribunal that due to the death of their father, the family faced an uphill task financially and not able to sustain their lives. Moreover, Rokeya Ruksana Bibi being a married woman before the death of her father, rushed to

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apply for an employment for herself. There is no indication that though being a married woman but due to marital disharmony, she was entirely dependent on her father's income. As for Salma Khatun, it is an admitted fact that at the time of her father's death, she was a minor. The scheme is clear that such employment is not meant for a minor to claim. Mere death of a Government employee does not entitle any member of the family to a compassionate employment. The death of the Government employee must have led to serious financial discomfort and helplessness. The Tribunal has not been able to find any clue that due to death of Rafiuddin Ahmed, the family was in dire strait and an employment would have helped them to tide over the initial hardships.

Having observed the above findings, the Tribunal is of the opinion that these two applications for compassionate employment from Salma Khatun and Rokeya Ruksana Bibi do not have any merit, therefore, both these applications are disposed of without passing any orders.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

CSM/SS