

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 – 514 of 2024

Sunil Hembram - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. For the Applicant : Mrs. Sunita Agarwal,
and Learned Advocate
Date of order

For the Respondents : Mr. Manujendra Narayan Roy,
Learned Advocate

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07.03.2025

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638 – WBAT / 2J-15/2016 dated 23rd November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

The applicant has filed this application praying for setting aside the impugned Memo 175 dated 14.07.2023. In terms of a direction of this Tribunal in OA 399 of 2022, the respondent authority considered the representation of the applicant for an employment under compassionate ground and rejected the prayer primarily on the ground that the applicant was a minor at the time of death of his father. The reasoned order also explained that earlier Lakshmi Hembram, the mother of the applicant had applied for such an employment for herself. But, when it was being offered to her, she declined due to personal reasons. Mrs. Agarwal, learned counsel appearing on behalf of the applicant had insisted that though Lakshmi Hembram had applied, but she had never been offered an employment. Since the respondent authority despite completion of all formalities had not offered an employment to Lakshmi Hembram, the family was compelled to decide that instead of mother, Sunil, the son would apply and he applied in a plain paper on 28.04.2022 along with the proforma application.

From the submissions of the learned counsels and the records, it is clearly explicit that the applicant was a minor at the time of death of his father, the deceased employee. Such fact is not in dispute especially from the applicant's side. Although the mother, Lakshmi Hembram had applied for herself, and such application was about to mature, but for personal reasons Lakshmi made her son Sunil Hembram, this applicant, to apply instead. Although Sunil Hembram applied on 28.04.2022, as an adult now, but such application was filed after more than two years from the date of death of the government employee. In his application before the Joint Director of Agriculture he did admit that his mother's application was nearing consideration, but being old now, she

SCN.

ORDER SHEET

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decided that he should apply instead of her. The Tribunal is constrained to point out that Rule 12(b) of Notification No.251-Emp dated 03.12.2013 does not allow such transfer from one member of the family to another member. Therefore, the rejection on such ground was correct and justified. Finding no merit, the application is disposed of without passing any orders.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)