

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble SAYEED AHMED BABA, Member (A)

Case No. – OA-520 of 2018

Chottu Prasad Routh VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicant	:	Mrs. S. Mitra, Learned Advocate.
<u>11</u> 23.06.2022	For the State Respondent	:	Mr. G.P. Banerjee, Learned Advocate.

In this application Chottu Prasad Routh, the applicant whose father Late Shew Prasad Routh was a permanent employee in Kolkata Police Hospital died in the year August 22, 2004. The mother of the applicant and the elder brother Munna Prasad Routh submitted an application with no objection for compassionate employment for the applicant. It appears that the applicant was called for an interview. But later after considering the case, the respondents rejected the application mainly on the three grounds :-

- a) The applicant was minor at the time of death of the Govt. employee and did not attain the eligibility for appointment to the post within 6 months of death of the employee concerned.
- b) The application was not submitted within the permissible period.
- c) The candidate also does not have desired qualification set for Group-D post.

Learned advocate for the applicant agrees that the candidate is only a Class-VI passed, however, as per existing rules; the government in its discretion can always relax this qualification and prays for such qualification may be relaxed.

Mrs. Mitra also submits that she does not agree with the contention of the respondents that the applicant was minor at the time of his father. The applicant, as per Notification No. 26-Emp dated 01.03.2016, where there is a clause under which the applicant can apply belatedly within five years ago.

Learned advocate for the respondent Mr. Banerjee submits that the clause referred by Ms. Mitra is not admissible in this case. Therefore, this

benefit of this Notification cannot be exercised. This belated request is applicable for those families where there were no other eligible applicants. In this case, it appears that besides the applicant, there was his elder brother Munna Prasad Routh was eligible but did not apply.

Mr. Banerjee also submits that after such a representation by the applicant is submitted for relaxation of qualification, the same will be disposed of as per discretion of the authority.

In view of the above, Respondent No. 1 is directed to consider the representation of the applicant, if submitted by the applicant by way of passing a speaking and reasoned order within a period of six weeks from the date of receipt of this order and the decision shall be communicated to the applicant within a period of three weeks thereafter. Accordingly, OA is disposed of with no order as to costs.

SAYEED AHMED BABA
MEMBER (A)

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