

**ORDER SHEET**

**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 526 of 2022**

**Nirupam Dhar -- VERSUS – The State of West Bengal & Others**

Serial No. and  
Date of order

For the Applicant : Mr. M. Chatterjee,  
Ld. Advocate.

03  
05.02.2024

For the State Respondent : Mrs. S. Agarwal,  
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 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 application for compassionate employment was considered and rejected by the respondent authorities on 05.07.2022 on the ground that the applicant was a minor of only 4 (four) years at the time of death of his mother. As per the impugned order, the applicant had applied for such employment on 25.03.2021, i.e. 16 years after the death of his mother. Invoking Clause 6(c) and 10(a) of 251-EMP Notification read with 26-EMP dated 01.03.2016, the prayer of Nirupam Dhar for appointment on compassionate ground was thus rejected. Mr. M. Chatterjee, learned counsel for the applicant draws attention to page 16 of this application and submits that as mentioned in the impugned order, the proforma application was submitted on 25.03.2021 but it ignores the fact that earlier on 14.12.2020, a plain paper application was submitted before the Chief Medical Officer of Health, Cooch Behar. As evident from the copy of the application, such plain paper application was also forwarded by the CMOH to the Director.

Responding on behalf of the respondent authorities, Mrs. Agarwal, supporting the reason for rejection submits that though the applicant being a minor was not eligible, but his father, Nikhil Chandra Dhar was eligible for such employment, but he did not apply.

Heard the learned counsels for the parties.

Order is reserved.

H.S

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