

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 535 of 2022

Akash Mahato -- VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mrs. S. Mitra,
Ld. Advocate.
For the State respondent : Mr. S.K. Mondal,
Ld. Advocate.

06
14.06.2023

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.

In this application, the prayer is for setting aside the impugned order of the respondent rejecting the application for compassionate employment on the ground that the applicant as the grandson of the deceased employee is not eligible under the Rules, in particular, Notification No. 251-Emp. and subsequent amendments. Mrs Mitra submits that although the applicant as a grandson may not be eligible under the relevant rules but the economic condition of the family preceding the application may be considered.

It appears soon after the death of the deceased employee on 22.11.2013, the applicant's mother, Astomi Mahato applied for compassionate employment. Unfortunately, while her application was being processed for approval, she died. Earlier the applicant's father had also died, leaving the family only with the grandson, the present applicant. Given the distress the family went through after the death of the deceased employee and later both the parents, Mrs Mitra prays for a direction to the authority for considering the application of the applicant afresh and with full sympathy.

Mr Mondal, learned counsel for the respondent submits that it is true that while the application for compassionate employment from Astomi Mahato, mother of the applicant was being processed she died and also the father of the applicant, the son of the deceased employee had also died. Due to relevant Rules not supporting compassionate employment for a grandchild, the respondent had no option but to reject.

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Mrs Mitra submits a supplementary affidavit which contains a fresh representation from the applicant dated 24.04.2023 addressed to all the respondent authorities. Let the supplementary affidavit be kept on record. It appears from the representation that the applicant has again appealed to the respondent authorities to consider his application for compassionate appointment on humanitarian and sympathetic grounds. Earlier it was noted that after the demise of the grandmother as the Government employee, both the parties being eligible had applied, but unfortunately before such appointment was given both the parents expired, thus, leaving this applicant as the grandson, the only legal heir.

Submission of Mrs Mitra is that a direction be given to the respondent to reconsider the matter in the light of such representation filed by the applicant.

After considering the submission of the learned counsels and the facts and circumstances of this very unfortunate matter, Respondent No. 3, Director of Health Services, Department of Health & Family Welfare is directed to consider this representation on humanitarian grounds and dispose of the same within a reasonable period of time.

Accordingly, this application is **disposed of.**

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

CSM/SS