

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Administrative Member.

Case No. –OA 545 of 2022

Tapan Das. - Versus – The State of West Bengal & Others.

Serial No. and Date of order	For the Applicant	: Mr. S. K. Rath, Mr. M. K. Sadhu, Advocates.
<u>02</u> 09.09.2022.	For the State Respondents	: Mr. S. N. Ray, Advocate.

Affidavit of service has been filed which has been kept on record.

In this application, the applicant has approached the Tribunal aggrieved due to the rejection of his prayer for compassionate employment by the respondents. The applicant's mother working as Staff Nurse died-in-harness on 10.08.2009. Soon after, the applicant submitted an application for compassionate employment in the prescribed form on 30.01.2010. The respondent authorities after considering his application rejected the same on the ground that there is no financial distress in the family and the applicant does not fulfil the criteria laid down in the scheme. Dissatisfied with this rejection, the applicant prayed for re-consideration before the Directorate of Health Services, Government of West Bengal. The prayer for re-consideration was considered by the respondent on 11.07.2022 and rejected by supporting his previous decision and adding the following additional reason:-

“On the ground as the husband of the deceased employee was a State Government Employee and the elder son of the deceased employee was a Central Government Employee at the time of death of the ex-employee and the applicant was living with the family.”

Mr. S. K. Rath, learned counsel for the applicant submits that the respondent's rejection of the application is devoid of any merit and such rejection has no ground in any existing rules. Moreover, it is not

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true that the applicant is living with the family. The applicant is an adult and he is living on his own without any financial support from the father or the elder brother. Therefore, the applicant very much deserves a compassionate employment to support his family economically.

Mr. Rath also submits that the three men committee which enquired and submitted its report had also recommended a compassionate employment to the applicant which was not considered by the concerned respondent authority.

Mr. S. N. Ray, learned counsel for the State respondents submits that the recommendation of the three men committee is not mandatory on the respondent authority. It is a mere observation but the final authority is taken by the respondent after consideration of all facts and circumstances of the proposal.

Mr. Ray prays for adjournment so that by the next date he will take instruction from the department and if required will submit a reply.

Let the matter appear under the heading "Admission Hearing" on 15.12.2022.

(SAYEED AHMED BABA)
MEMBER(A)

S.M.