

**ORDER SHEET**  
**WEST BENGAL ADMINISTRATIVE TRIBUNAL**  
**Bikash Bhavan, Salt Lake, Kolkata – 700 091.**

**Present-**

**THE HON'BLE SAYEED AHMED BABA, OFFICIATING CHAIRPERSON AND ADMINISTRATIVE MEMBER,**

**Case No. - OA 546 OF 2023**

**HEMANTA MAITY - Vs - THE STATE OF WEST BENGAL & OTHERS.**

Serial No. and  
Date of order

03  
05.08.2024

For the Applicant : Mr.S.Kundu  
Advocate

For the State respondents : Mr.Sankha Ghosh  
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.

In this second round of litigation, the applicant has approached the Tribunal praying for setting aside the reasoned order passed by the Principal Secretary, Water Resources Investigation and Development Department on 10.08.2018. The delay in filing this application after a gap of five years has been explained by Mr.Kundu, learned counsel on the basis of a letter communicated to the applicant by the Assistant Secretary on 01.06.2023. By this letter, Mr.Kundu argues that, the copy of the reasoned order was served upon the applicant only after repeated remainders. The Tribunal accepts this reason and does not find any fault on behalf of the applicant in filing this application belatedly. The reasoned order, having considered the merits of the matter and in terms of the direction of the Tribunal in OA-143 of 2018 had rejected the application for compassionate employment on the ground that the applicant had submitted such an application on 19.03.2012, after six years from the date of death of her father. Thus, the requirement of immediate financial assistance was not established by the applicant, as

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stipulated in different Notifications governing the scheme on compassionate employment. The deceased father of the applicant as an “operator” under Block Development Officer, Khanakul-I Development Block, Hooghly had died while in service on 04.03.2006.

The date of filing the application for compassionate employment by the applicant on 19.03.2012 is not in dispute. It is also in records that the applicant, Hemanta Maity was a minor of 12 years at the time of death of his father. Though mother, Anima Maity had applied on his behalf, but such an application on behalf of minor child was not considered a valid application. Further, neither the applicant nor his mother have been able to make a case of financial distress and need for a compassionate employment due to death of the deceased employee. The question which is to be answered satisfactorily is whether the family has been able to meet the ends after the death of the deceased employee since 2006. Though Anima Maity, the mother of the applicant was herself eligible for such an employment, but she chose to file an application on behalf of her minor son. It must have occurred to her that an employment to her son would rather be more valuable to the family in the long run.

From the above observations, the Tribunal is not able to satisfy itself that the true objective of this Scheme, which is to provide succour and comfort by way of an employment has been fully established by the applicant. A compassionate employment is not a legitimate right of the family of the deceased employee. The Tribunal cannot support such a wrong notion that after the death of the deceased employee, an employment in the guise of compassion is the vested right of the family. Therefore, the prayer in this application has not been able to satisfy the Tribunal that after the death of the employee there was a dire financial

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necessity which could have been only mitigated by a compassionate employment. Therefore, this application, being devoid of any merit, is disposed of without passing any orders.

**(SAYEED AHMED BABA)**  
**OFFICIATING CHAIRPERSON AND MEMBER (A)**

BLR