

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-549 of 2022

Sangita Saha -- 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 : Mrs. S. Agarwal,
Ld. Advocate.

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04.09.2024

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.

The prayer of the applicant for an employment under compassionate ground was considered and regretted by the respondent authorities. By a correspondence no. 3310 dated 11.11.2019, the Department of Home and Hill Affairs conveyed to the DG & IG of Police that the case for such an appointment of the applicant has been rejected primarily on the ground that the applicant was a minor of 15 years 3 months and 1 day at the time of death of her father, the deceased employee. Her father, Naresh Chandra Saha had died while in service on 08.05.2003. It is not in dispute that the applicant was a minor when her father passed away. The reasoned order also records another ground of rejection; that at the time of death of the employee the applicant was not the only member in the family eligible for such an employment. Submitting on behalf of the applicant, Mrs.Mitra, learned counsel relies on 10(a)(a) of Notification No. 26-Emp. dated 01.03.2016. Her contention is that under (ii) of 10(a)(a) of the mentioned Notification, the family member applying for such a compassionate employment, is allowed an extended time limit upto five years from the date of death of the employee, if, none in the family was eligible to apply for such an employment. Submission of Mrs. Mitra is that this relaxation of five years is applicable for this applicant since at that relevant point of time, none in the family was eligible for such an appointment. Mrs. Mitra concludes that, hence, with five years relaxation, the applicant had already attained the age of employment when her prayer was considered.

Refuting the submission of Mrs. Mitra for such a five year relaxation in submission of application, Mrs. Agarwal, learned counsel submits that it is a

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fact that at the time of death of the deceased employee, Mrs. Mina Saha, the widow and the mother of the applicant was herself eligible to apply for such an appointment. Mrs. Agarwal submits that the mother of the applicant herself was not only eligible for such an appointment, but had applied also for herself.

Mrs. Mitra though agrees that Mrs. Mina Saha, the mother was eligible from age point of view, but was not eligible so far her educational qualification was concerned. Mrs. Mina Saha had not completed Class-VIII in 2003 when her husband passed away.

The Tribunal has advised Mrs. Mitra to submit authenticated copy of educational qualification of Mrs. Mina Saha by way of an affidavit.

Let the matter appear under the heading **“For Orders”** on **08.01.2025**.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

CSM/SS