

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Bikash Bhavan, Salt Lake, Kolkata – 700 091.**

**Present-**

**The Hon'ble Sayeed Ahmed Baba, Administrative Member**

**Case No. – OA 549 of 2022**

**SANGITA SAHA – VERSUS- THE STATE OF WEST BENGAL & ORS.**

Serial No. For the Applicant : Mrs. Sonali Mitra,  
and Advocate  
Date of For the State Respondents : None  
order

Affidavit of service filed be kept on record.

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09.09.2022

In this application, the applicant seeks Tribunal's direction to the respondents regarding his application for compassionate employment. The father of the applicant, working as Wireless Operator with West Bengal Police, died in harness on 08.05.2003. At the time of death of her father, the applicant was a minor. After attaining majority, she was asked to appear a written examination which she appeared. After consideration of the application and other facts of the case, the respondent authority rejected the same on the ground that the applicant was a minor at the time of death of the deceased employee. Aggrieved by such rejection, the applicant has filed this application for direction to the respondent to re-consider the impugned order.

SCN.

Mrs. Sonali Mitra, learned advocate for the applicant submits that the reason quoted by the respondent as the applicant being minor at the time of death of the deceased employee is not maintainable as the circular No. 251 – Emp dated 3<sup>rd</sup> December, 2013 is not applicable in this case due to the fact that because the circular was not in existence at the time of the employee's death in 2003. Moreover, by the time the respondent considered her application and rejected the same, on the date of 30.12.2019, the applicant had by then attained majority. So, therefore, the question of the applicant being a minor at the time of death of her father is not relevant. What is relevant is that at the time and day of the consideration of the application, the applicant was an adult. Mrs. Mitra submits that on the above ground the rejection order is bad in law which should be set aside.

Since none appeared on behalf of the respondents, let the matter appear under the heading "Admission Hearing" on 5<sup>th</sup> December, 2022.

(SAYEED AHMED BABA)  
MEMBER (A)