

ORDER SHEET
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. Sonali Mitra,
Ld. Advocate.
For the State Respondents : Mrs. Sunita Agarwal,
Ld. Advocate.

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19.06.2025

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 were eligible for such an appointment. Mrs. Mitra concludes

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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 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. Submission is that the mother of the applicant was not only eligible for such an appointment, but had applied also for herself.

The Tribunal after hearing the submissions and after examining the records has come to this conclusion that the applicant was a minor at the time of death of her father, Naresh Chandra Saha, who died while in service on 08.05.2003. This fact of the applicant, being a minor at that point of time, is not in dispute. In terms of relevant rules, applicant who was a minor at the time of death of the employee and remained a minor, even after two years from such date of death, is not eligible for an employment under compassionate ground. The contention of Mrs. Mitra, learned counsel that her application ought to have been examined on the basis of 10(a)(a) of the Notification No. 26-Emp. dated 01.03.2016 is also not a valid argument. Under this section of the Notification, a further relaxation of five years is given to the applicant's side to apply for an appointment under compassionate ground, provided the death of the employee was (i) "due to action" and (ii) "none in the family was eligible" for such appointment. The first condition of death in action is not applicable in this case. So far the second condition of eligibility of another family member is concerned, Mrs. Mina Saha, the widow and mother of the applicant was not only eligible to apply, but had applied for herself. Therefore, the Tribunal cannot accept the contention that under 10(a)(a), the extended time of five years ought to have been applied.

With the above observation, the Tribunal comes to the

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conclusion that the respondent authorities were correct in declining the prayer of the applicant for appointment under compassionate ground due to the primary reason that the applicant was a minor at the time of death of her father, the deceased employee.

Therefore, finding no merit, this application is **disposed of** without passing any order.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

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