

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 562 of 2022

Surojit Goswami -- **VERSUS** – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. G.P. Banerjee,
Mr. A. Samanta,
Ld. Advocates.
For the State respondent : Mr. S.K. Mondal,
Mr. R.K. Mondal,
Ld. Advocates.

04
05.12.2022

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.

On consent of the learned counsels for the contesting parties, the case is taken up for consideration sitting singly

In the present application, the prayer is for setting aside the impugned order of the respondent appearing at page 30 which has rejected the application for compassionate employment. In the reasoned order, the respondent, Commissioner quoting Notification No. 251-Emp. Dated 03.12.2013 read with Notification No. 26-Emp. Dated 01.03.2016 of Labour Department rejects the application on the ground of the applicant being a minor (13 years 5 months and 16 days) at the time of death of the deceased employee.

Mr. Banerjee, learned advocate on behalf of the applicant submits that the respondent has either misinterpreted the Notification or has taken a wrong decision quoting the Notifications. As per the Notification quoted above in the Section 10(aa) of 26-Emp. dated 01.03.2016 read with Notification No. 251-Emp. dated 03.12.2013 a belated application can be submitted even on death/retirement on medical ground of a Government Servant took place upto 5 years ago. Therefore, a direction may be given to the respondent to reconsider the matter in the light of the Notification No. 26-Emp. dated 01.03.2016.

ORDER SHEET

Surojit Goswami

Form No.

Case No. **OA 562 of 2022.**

Vs.

The State of West Bengal & Ors.

Let the respondent No. 3, the Commissioner, Home & Hill Affairs Department submit a reply on the application within six weeks from the date of this order.

Let the matter appear under the heading “**Admission Hearing**” on **10.02.2023**. Rejoinder, if any, in the meantime.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

CSM/SS