

**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 565 of 2022**

**Md. Imran Khan. - Versus - The State of West Bengal & Others.**

Serial No. and  
Date of order

For the Applicant

: Mr. S.N. Ray,  
Ld. Advocate.

09  
04.04.2024.

For the State Respondents

: Mr. G.P. Banerjee,  
Ld. 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 application, Mr. S.N. Ray, appearing on behalf of the applicant, submits that although the Tribunal in its last order dated 08.06.2022 set aside the reasoned order of the applicant with a direction to consider and dispose of the matter afresh, however, the respondent has again rejected the application for compassionate employment on the same grounds as in the first order which was set aside by the Tribunal. Mr. Ray submits that this impugned order should also be set aside with a direction to offer compassionate employment to the applicant.

Mr. G.P. Banerjee, appearing on behalf of the respondent, submits that this matter has no locus standi, devoid of any merit and completely outside the ambit of compassionate employment Rules. Therefore, it should be dismissed.

Having heard the submissions of the learned counsels and on perusal of records in this application, the Tribunal finds that an application for compassionate employment was made after lapse of 11 years from the date of death of the employee. This fact that such an application was submitted so late has also not been disputed by the applicant. Therefore, it is clear that a compassionate employment due to

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death of the earning member of the family was not a priority for the family. Had the death of the employee given a serious financial blow to the family, they would have certainly rushed to furnish an application for compassionate employment. Having waited for 11 years to file such an application does not fulfil the eligibility criteria under the relevant rules. The applicant has also admitted that he was a minor at the time of his father's death and preferred an application in 2008 after 11 years when he had attained the age of employment. It is clear that such an application was not admissible and was not considered in favour of the applicant.

In view of the above observations, the Tribunal finds this prayer in this application devoid of any merit and therefore, it is disposed of without passing any orders.

Thus, the application is disposed of.

(SAYEED AHMED BABA)  
Officiating Chairperson and Member (A)

CSM