

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 565 of 2023

Akash Hembram -- VERSUS – The State of West Bengal & Others

Serial No. and
Date of order

For the Applicant : None.

For the State Respondents : Mr. G.P. Banerjee,
Learned Advocate.

05
19.11.2024

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.

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

By filing this application the applicant has prayed for setting aside the impugned order dated 29.08.2022. In the impugned order, the respondent authority had taken the decision to regret the application for employment under compassionate ground. The primary reason recorded in the order was that the applicant was a minor of 4 (four) years 5 (five) months at the time of death of the deceased employee, his father. He had submitted his application on 29.11.2017 when he attained the age of employment and such application was preferred after more than three years from the date of death of the employee. As per the extant rules framed to cover such applications for compassionate employment a maximum time limit of two years from the date of death has been fixed. Though by Clause 10 (aa) an extended time limit of five years is available but is subject to fulfilling two important conditions :-

- a) Death in action;
- b) None in the family was eligible at the time of death of the employee.

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The applicant has agitated that his application should have been considered under this Clause and the 5 (five) year time for submission of the application should have been granted. But the applicant has not satisfied the Tribunal that he had fulfilled the twin conditions. So from the submissions of the learned counsels and the records in the application, it is amply clear to the Tribunal that the applicant was not eligible as a minor for such an employment. Therefore, his application having been submitted when he attained the age of employment after a gap of three years after the death of his father does not help him in fulfilling the conditions to be eligible for such an employment. Therefore, the Tribunal not finding any merit in this application disposes of the same without passing any orders.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

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