

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 570 of 2024

Ankur Mukherjee -- VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. Ankur Mukherjee,
In person.
For the State Respondents : Mrs. Sunita Agarwal,
Ld. Advocate.

05
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 applicant has filed this application praying for setting aside the impugned Memo. No. 459 dated 30.07.2024. By this Memo., the decision of the Department was conveyed to the applicant relating to his prayer for appointment under compassionate ground. The ground for such rejection was that the total monthly income of the family exceeds 90% of the last gross monthly salary drawn by the deceased employee. The Government Orders in 251-Emp. dated 03.12.2013 and 26-Emp. dated 01.03.2016 have been relied.

Late Ranjit Kumar Mukherjee, father of the applicant was an employee under the Sale Lake Reclamation and Development Circle, Kolkata and died while in service on 26.04.2013. Following the death of his father, the applicant furnished prayers for employment under compassionate ground, which was enquired by the Committee and its Report submitted to the competent authority. In terms of the direction of this Tribunal, the respondent authorities had submitted a copy of the Report enquired by the Committee. The Committee after examination of the details, observed that the total monthly income of the family comes to Rs.39,825/- (Rupees thirty-nine thousand eight hundred and twenty-five), exceeding 90% of the last gross salary earned by the deceased employee at Rs.21,793/- (Rupees twenty-one thousand seven hundred and ninety-three). The Committee, therefore, was of the opinion that the total gross monthly income of

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the family having exceeded 90% of the gross monthly salary of the deceased employee, the applicant was not eligible for a compassionate employment.

The above figures relied on by the respondent authorities by considering the case have not been controverted or contradicted by the applicant's side. In the written objection against such Report, the applicant's side has only responded by saying that these figures are "false and incorrect", without presenting different figures relating to income of the family.

The Tribunal is not satisfied that the applicant's side without disputing the figures relating to the family income can disagree by only stating that these figures are "false and incorrect". The Tribunal would have accepted their pleadings had they quoted specific figures relating to the family income. Therefore, without controverting these figures, the applicant actually accepts these as correct. Since it has been made clear by the above statements that the income of the family of Rs.39,825/- (Rupees thirty-nine thousand eight hundred and twenty-five) has exceeded 90% of the gross monthly salary of the deceased employee, therefore, the applicant was not found entitled for an employment under compassionate ground. The decision taken by the respondent authorities were correct and within the rules governing the Scheme on compassionate employment.

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

SS

SAYEED AHMED BABA
Officiating Chairperson & Member (A)