

**ORDER SHEET**  
**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 593 OF 2024**

**SANJAY ROUTH - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. and Date of order	For the Applicant	: Mrs. Priya Sasmal, Learned Advocate
	For the State Respondents	: Mrs. Saswati Bandyopadhyay, Learned Advocate

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07.08.2025

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 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under section 5(6) of the Administrative Tribunals Act, 1985.

The prayer in this application is for a direction to the respondent authorities to give an employment under compassionate ground to the applicant after setting aside the impugned memo No.A 2638 dated 22.04.2024, issued by the Additional Director and Senior Special Secretary, Directorate of Health Services.

In terms of an order dated 21.08.2024 in O.A. 696 of 2023, this application has been filed afresh on 22.11.2024. The prayer of the applicant has been rejected by the authority on the ground of delayed submission of the prayer for compassionate employment after a lapse of 11 years from the date of death of the government employee.

In this application, the father of the applicant, Shyam Kumar Routh, a Sweeper at Burdwan Medical College and Hospital, Purba Bardhaman, died in harness on 05.07.2011. As per the learned counsel for the applicant, soon after the death of the government employee, the mother of the applicant made a plain paper application on 11.11.2011 before the Burdwan Medical College and Hospital praying for compassionate appointment for her son. On 05.07.2022 he sent a representation to the Medical Superintendent-cum-Vice Principal, B.M.C.&H., Purba Burdwan. The proforma application was submitted on 04.11.2022. The applicant sent three other representations dated 06.01.2023, 05.02.2023 and 18.05.2023. As per letter dated 20.05.2023 of the respondent authority, the applicant submitted relevant papers before the concerned office. Being aggrieved by the inaction on the part of the respondents, the applicant filed O.A. 696 of 2023. In the meantime, on 22.04.2024, the authority rejected the prayer of the applicant on the ground that “*the applicant had applied for employment on compassionate*

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*ground after a lapse of nearly 11 years from the expiry of the ex-employee” for which he is not eligible for compassionate employment in terms of clause 10(a) of Notification No.26-Emp dated 01.03.2016.*

After examination of the records, the Tribunal finds that the date of birth of the applicant being 01.01.1986, he was major at the time of death of the government employee on 05.07.2011. But he had not applied. He applied in a plain paper for compassionate employment on 05.07.2022 i.e. after 11 years. Though the mother applied on 11.11.2011, it was not for herself, it was for her son. The Rules governing the scheme under Notification No.251-Emp, dated 03.12.2013 and Notification 26-Emp dated 01.02.2016 of the Labour Department required the applicant to furnish the prayer for compassionate employment within two years from the date of death of the government employee. The primary reason given for such regret was that the applicant “*the applicant had applied for employment on compassionate ground after a lapse of nearly 11 years from the expiry of the ex-employee*”. The criterion of compassionate employment had not been fulfilled by the applicant. Therefore, he was not entitled for an appointment under compassionate ground.

From the above observations, the Tribunal comes to the conclusion that the respondent authority was correct in not considering a compassionate employment in favour of the applicant. The ground of such rejection given in the impugned memo No.A 2638 dated 22.04.2024 was valid and very much within the framework of the guidelines laid down for employment under compassionate ground. Thus, finding no merit in the prayers of the applicant, this application is disposed of without passing any orders.

(SAYEED AHMED BABA)  
OFFICIATING CHAIRPERSON  
and MEMBER (A)

SCN.