

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 598 of 2022

Damayanti Murmu (Hansda) - Versus - The State of West Bengal & Others.

Serial No. and Date of order For the Applicant : Mrs. M. Maity,
Advocate.

06
21.02.2024. For the State Respondents : Mr. S. Ghosh,
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 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.

The applicant has prayed for a direction to the respondent authorities to appoint her to a post on compassionate ground. Rabindranath Murmu who was appointed as a Khalasi under Kangsabati Canals II Division had died on 29.06.2004 while in service. Submission is that the applicant being the daughter had applied for such compassionate employment and such application was also forwarded by the Sub-Divisional Officer (I&WD) to the Executive Engineer, Kangsabati Canals Division No.-II, Khatra, Bankura by his letter dated 22.11.2019. Submission is that such application has not been considered by the respondent authorities till date.

Submitting on behalf of the State respondents Mr. Ghosh maintains that this application is not admissible in this Tribunal for the following three reasons :-

- i. That the death of the employee had occurred in the year 2004 ;
- ii. Such an application for compassionate employment was furnished by the applicant in 2018 and
- iii. That the deceased employee Rabindranath Murmu was a work charged employee (Khalasi) and not under regular

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establishment.

Further, Mr. Ghosh draws attention to the Annexure 'A' at page 12 of this application which appears to be an office order granting pay and allowances for the month of June, 2004 to Smt. Rangila Murmu, widow of the deceased employee. Specific attention is drawn to the word 'Khalasi' mentioned against the name of the deceased employee.

Mrs. Maity, learned counsel for the applicant, further disputes that the deceased employee was not a work charged employee and in support of such claim, she wishes to produce relevant documents before this Tribunal on the next date. Let such documents be presented before this Tribunal on the next date and let the matter appear under the heading "For Orders" on 09.05.2024.

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

HS/SM