

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 61 OF 2025

UJJWAL MAHATA - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	:	Mr. Sanjiv Das, Learned Advocate
	For the State Respondents	:	Mr. S.N. Ray, Mr. Gaurav Haldar, Learned Advocates

4
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 23rd 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 for the post of Group 'C' or 'D' after setting aside the memo No.268 dated 19.07.2023, issued by the Joint Secretary, Public Works Department and considering his representation.

The Joint Secretary, Public Works Department rejected the prayer of the applicant on the ground that he had submitted proforma application on 23.02.2023, i.e. after more than 2 years from the date of death of the Employee which is not tenable under the scheme.

The father of the applicant, Atul Chandra Mahata, who worked as a Road Mazdoor in Jhargram Highway Division under South Western Highway Circle, died in harness on 24.06.2017. As per the learned advocate for the applicant, the applicant, being Diploma holder in Software Application from Webel Informatics Limited, Kolkata, made a plain paper application for compassionate employment on 17.08.2017 which was duly received by the Assistant Engineer, Jhargram Highway Sub-Division, Public Works (Roads) Directorate. The proforma application was submitted on 23.02.2023 i.e. after more than 2 years. The Joint Secretary, Public Works Department, by his memo No.268 dated 19.07.2023, rejected the prayer for compassionate appointment only on the ground of delay in

ORDER SHEET

Form No.

UJJWAL MAHATA

Vs.

Case No. - OA 61 OF 2025

THE STATE OF WEST BENGAL & ORS.

submission of proforma application on 23.02.2023, i.e. after more than two years from the date of death of the government employee.

After examination of the records the Tribunal comes to the conclusion that though the plain paper application was valid, but the proforma application was submitted belatedly after more than 2 years. The primary reason given for such regret was that the applicant "*had submitted proforma application on 23.02.2023, i.e. after more than 2 years from the date of death of the Employee which is not tenable under the scheme*". 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 employee. The criterias of compassionate employment have not been fulfilled by the applicant. Therefore, the applicant was not entitled for an employment 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.268 dated 19.07.2023 was valid and very much within the framework of the guidelines laid down for employment under compassionate ground. Thus, finding no merit, this application is disposed of without passing any orders.

SCN.

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