

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 630 OF 2024

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

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|---------------------------------------|---------------------------|---|--|
| Serial No. and Date of order | For the Applicant | : | Mr. Soumendra Narayan Ray, Learned Advocate |
| | For the State Respondents | : | Mr. Manujendra Narayan Ray, Mr. Gaurav Haldar, Learned Advocates |

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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 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 issue a letter of appointment to the applicant for the post of Group 'C' under compassionate ground after setting aside the impugned order dated 10.02.2020.

The Secretary Co-ordination, Home & Hill Affairs Department, Police Establishment Branch, by his memo No.409 dated 10.02.2020, regretted the prayer of the applicant on the ground that the applicant was only 9 years 8 months 19 days old at the time of death of the government employee.

The father of the applicant, Hargobinda Mahata, who worked as a Constable/1024 of Purulia DPF, died in harness on 24.06.1999. As per the learned advocate for the applicant, the applicant had requisite qualifications for getting an appointment in a Group –C post. At the time of death of the government employee, the applicant was a minor. After reaching the age of majority, he applied on 07.06.2010 for getting an employment in Group – C post under compassionate ground before the Superintendent of Police, Purulia, which is after about 11 years. As per a letter from the office of the Superintendent of Police, he appeared in a recruitment process. But by an order dated 10.02.2020, issued by the Deputy Secretary, Police Establishment Branch, his prayer for compassionate employment was rejected on the ground that the applicant was only 9 years 8

ORDER SHEET

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months 19 days old at the time of death of the government employee.

After examination of the records, the Tribunal finds that, in this case, the applicant was minor at the time of death of government employee and he applied after two years. So, the criterias of compassionate employment have not been fulfilled by the applicant. The primary reason given for such regret was that the applicant was a minor of "*only 9 years 8 months 19 days old at the time of death of the deceased employee*". Although the officials processed his case by calling him to submit documents and even asking him to appear for an interview, but the fact remains that as a minor boy at the relevant point of time, he was not entitled for an appointment under compassionate ground. 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 not only to furnish the prayer for compassionate employment within two years from the date of death of the employee, but such applicant should have attained the age of employment as well. 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.409 dated 10.02.2020 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)