

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 648 of 2022

Biswajit Pati -- VERSUS – The State of West Bengal & Others

Serial No. and
Date of order

For the Applicant

: Mrs. S. Agarwal,
Mr. S. Bhattacharjee,
Ld. Advocates.

12
19.11.2024

For the State Respondents

: Mr. M.N. Roy,
Learned 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 matter is taken up for consideration sitting singly.

The father of the applicant was a police constable working under the Superintendent of Police, Purulia who had died on 16.02.2003 while in service. At the time of death of his father, the applicant was a minor of 12 years 11 months and 18 days. From the submissions made by the applicant in this application, it appears that he submitted the proforma application on 29.11.2008. His application was considered by the respondent authorities and regretted mainly on the ground that he was a minor at the time of death of his father, the deceased employee and thus not eligible for an employment under compassionate ground.

The fact of his being a minor at the relevant point of time has not been disagreed by the applicant, however, the argument presented on his behalf by the learned counsel is that the respondent authorities were wrong in rejecting his application on the basis of Notification 251-Emp published on 03.12.2013. The contention is that at the time of death of the employee in 2003, this Notification was not in force rather Notification 97 dated

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06.06.2005 was in force. By this application, 97-Emp the applicant was eligible since his father had not completed 20 (twenty) years of service and attend the age of 50 years.

The Tribunal does not agree with such arguments that the Notification No. 251-Emp applied in this case was not valid. At the time of consideration of his application on 10.02.2020, Notification 251-Emp was in force which had come into effect from 03.12.2013 in supersession of all earlier Notifications. Further, the applicant had not met the eligibility criteria for such an employment since he was a minor of around 13 years when his father had died. The relevant rule for this Scheme does not entitle a minor the benefit of such an employment. It is to be reminded that mere death of an employee does not entitle a family of a deceased employee the right to compassionate employment. The purpose of such a Scheme is only to mitigate the financial difficulties due to the death of the employee and only upon satisfaction of the employer. In this case, the applicant has not been successful in demonstrating how due to the death of the father, the family had to pass through untold misery and financial crisis. Moreover, the very incidence of the applicant as a minor at the time of death of his father does not help him to fulfil one of the important criterias for such employment. Thus, having heard the submissions of the learned counsels and after examination of the records, it is clear to the Tribunal that this applicant had not fulfilled requisite criteria for such employment and being devoid of any merit is disposed of without passing any orders.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

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