

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- 649 of 2023

Samrat Dey Sarkar - Vs - The State of West Bengal & Ors.

Serial No. and

Date of order

For the Applicant : None.

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19.11.2024.

For the State Respondents Mr. S. Ghosh,
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.

The applicant has filed this application praying for setting aside the impugned order dated 30.01.2023. His application for employment under compassionate ground was regretted by the respondent authority primarily on the ground that he was a minor at the time of death of his father. The Clause 6(c) of Labour Department's Notification 251-Emp dated 03.12.2013 was relied upon by the respondent authority while taking this decision. It is an admitted fact that the applicant whose date of birth being 20.11.1993 was only 11 years 8 months and 8 days old at the time of death of his father, the deceased employee.

Submitting on behalf of the applicant Mr. Majhi, learned counsel argues that the respondent authority while considering this matter totally ignored a crucial fact that earlier the applicant's mother had also applied. It was due to financial necessity in the family that after the death of the employee, one of the family members was in dire need of an employment to sustain the livelihood of the family. Since earlier the respondent authority rejected such a prayer of the mother, the present applicant, being the son, was compelled to apply afresh for himself and prayer was also made by the mother on 06.09.2011, praying for transfer

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of her prayer for employment under compassionate ground in favour of her son, the present applicant.

It is an admitted fact that the applicant was a minor at the time of death of his father. It is also an admitted fact that prior to the applicant's application, the mother had also applied for such an employment for herself which was subsequently rejected. Therefore, repeated applications from the same family for employment under compassionate ground is not a valid application. It is also a well settled law that an employment under compassionate ground is not a vested right of the family.

The application is disposed of.

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

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