

**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 650 OF 2021**

**SHUBHAJIT KUMAR SIL - Vs - THE STATE OF WEST BENGAL & OTHERS.**

Serial No. and  
Date of order

For the Applicant : Mr. K.Jha  
Advocate

03

18.07.2024

For the State Respondents : Mrs. Sonali Mitra  
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 23<sup>rd</sup> 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.

By filing this application, the applicant has prayed for setting aside the impugned reference No. 3519 dated 29.11.2019. By this reference, the Department informed the Commissioner of Police, Kolkata that the applicant's prayer for an employment under compassionate ground was regretted. The primary reason given for such rejection is that the applicant was only 15 years and 27 days old at the time of death of his father. The applicant's father had died while in service as a Constable under the Eastern Suburban Division, Kolkata on 21.11.2015. The applicant's date of birth being 25.05.2000 was a minor at the time of death of his father. Argument of Mr.Jha is that in terms of Notification No. 26-Emp dated 01.03.2016, the applicant had already attained the age of employment when the matter was considered by the respondent authorities. Therefore, the deleted note (c) in para 6 (c) of Notification No. 251-Emp cannot be the valid ground of rejection. Appearing on behalf of the State respondents, Mrs.Mitra, supporting the reason for rejection submits that the respondent authorities did not

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receive any application for employment from the applicant after he had attained the age of appointment. Secondly, by amendment of Notification No. 251-Emp by Notification No. 26-Emp, the time available to the applicant has been extended from 6 months to 2 years. Submission is that even though by such amendment, the time line was extended for 2 years from the date of death of the employee, the applicant did not submit any application for such employment. Arguing again in favour of the applicant, Mr.Jha draws attention to Memo. 535 dated 05.03.2019 and submits that the Commissioner of Police being familiar with the financial condition of the deceased family had recommended such an employment in favour of the applicant, unfortunately, this was not considered by the Department. Further, the report of the Screening-cum-Enquiry Committee submitted on 03.02.2017 had clearly recommended the case by pointing out that the financial condition of the family is too precarious, therefore, such an employment would be necessary. Mrs.Mitra's argument is that the Commissioner of Police may recommend such a case, but the final decision lies with the competent authority which is the Department of Home and Hill Affairs.

Heard the learned counsels. Let the matter appear under the heading "For Orders" on 5<sup>th</sup> November, 2024.

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

BLR