

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 650 of 2021

Shubhajit Kumar Sil -- VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicant	: None.
	For the State respondent	: Mr. G.P. Banerjee, Ld. Advocate.

05
19.11.2024

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.

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 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,

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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.

From the submissions of the learned counsels and after examining the records, it is apparent to the Tribunal that the argument of the applicant's side does not hold any water. The benefit of the extended time for submission by five years is not applicable in this case for the reason that neither of the two conditions as stipulated in Notification No. 26-Emp. has been met by the applicant's side. Further, it is also not disputed that the applicant was a minor at the time of death of his father. Therefore, the Tribunal does not find any illegality by the respondent authority in regretting this application for employment under compassionate ground. Therefore, finding no merit in this application, this application is disposed of without passing any order.

Accordingly, this application is disposed of.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

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