

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-659 of 2022

Chandi Charan Khan - Vs - The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mrs. M. Roy (Dey),
Learned Advocate.

06
20.06.2024

For the State Respondents : None.

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 prayed for setting aside the impugned Memo dated 04.07.2022 by which the Deptt regretted giving an employment under compassionate ground to the applicant. The applicant's father, late Jagannath Khan was a Road Majdoor under Bardhaman (East) Sub-Division, P.W.D. and died while in service on 06.11.2013. Soon after the death of his father, the applicant furnished a plain paper application before the Assistant Engineer, P.W.D., Bardhaman (East Sub-Division) praying for compassionate employment. This plain paper application was followed by submission of proforma application on 17.02.2017. Mrs. Roy (Dey) also expresses that usually such an applicant who is semi literate and from a mufasal area is not given the blank proforma application unless they are satisfied. The applicant does not have his own means and resources to gather such a blank proforma application and submit before the respondent authority. Unlike a plain paper application, this proforma application which is in three parts cannot be submitted without the help and guidance of the officials in the office of the respondent authority. Such proforma application was eventually handed over to him only after active persuasion for three years after the death of his father. This is the sole reason why the date of submission of proforma application is almost three years after the death of his father. The proforma application along

ORDER SHEET

Form No.

Chandi Charan Khan

Vs.

Case No **OA-659 of 2022**

The State of West Bengal & Ors.

with other documents was forwarded by the Executive Engineer-I to the Superintending Engineer, Western Circle. Unfortunately, Mrs. Roy (Dey) submits that despite submission of all the relevant documents and its verification, the applicant, though being eligible, was not considered for such an employment. The impugned reference dated 04.07.2022 was communicated to the Executive Engineer rejecting such an application on the ground that the proforma application was submitted on 17.02.2017, more than three years after the death of the deceased employee.

Mr. Bhattacharya submits that though he represents the Deptt. in a similar matter being OA-795 of 2022 but he has not been engaged in this matter. Mr. Bhattacharya has been advised to take instruction from the Deptt. and represent as a counsel for the State respondent in this matter also. Let Mr. Bhattacharya take instruction from the Deptt. and submit their responses on the next date.

Let the matter appear under the heading Hearing on **09.09.2024.**

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

sc