

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 679 OF 2013**

NANDAN SARKAR

- VERSUS-

THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order For the Applicant : Mr. Goutam Pathak Banerjee Advocate

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23.03.2023 For the State Respondent : Mr. Debabrata Koley 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 case is taken up for consideration sitting singly.

The prayer in this application is for a direction to the respondent to give compassionate employment to the applicant.

Heard both the learned counsels.

The application before the respondent for compassionate employment was considered and rejected on the ground that as per the enabling scheme, the applicant was a minor at the time of death of the deceased employee on 09.10.2006. Although, the widow of the deceased employee who could have applied for such employment, did not.

Mr.G.P.Banerjee, learned counsel appearing on behalf of the applicant submits that although the applicant was a minor, but he had submitted such an application when he had become an adult. While rejecting, the respondent ignored this fact that at the relevant point of rejection, the applicant had become an adult.

Mr.D.Koley, learned counsel submits that the scheme is very clear that such compassionate employment is available for a member of the family who

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is an adult person, so that by way of a compassionate employment, the family in need can continue to be sustained. The scheme does not wait for a child to grow up to become an adult and join compassionate employment. By the very definition of the scheme, it is limited in time.

After hearing the learned counsels and perusing the records, it is clear that the applicant was a minor at the time of his father's death and was not eligible for compassionate employment in the existing schemes. Although at the time of the death of the employee, the widow was eligible to apply, but she did not, presuming perhaps her son will benefit better, if he gets this employment. Being ignored of the fact that the scheme does not allow a child to apply. Since I do not find any merit in this application nor any unfair decision taken by the respondent, this application is liable to be rejected and hence dismissed.

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

BLR