

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Administrative Member

Case No. – OA 696 of 2019

SOUMEN BANERJEE – VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order
For the Applicant : Mr. Soumendra Narayan Ray,
Ms. Subarna Das,
Advocates
For the State Respondents : Mr. Sourav Bhattacharjee,
Advocate

13
09.09.2022

Mr. Soumendra Narayan Ray, learned advocate for the applicant submits that the circular No.251-Emp, dated 3rd December, 2013 in which Section 13(b) (i) was cited by the respondent while rejecting his application for compassionate employment is not applicable. Submission is the applicant's father was found missing earlier to this notification that is 28.09.2010. In view of the above, Mr. Ray submits that the impugned order of the respondent rejecting his application dated 07.06.2014 may be set aside with a direction to the respondent to reconsider an offer of compassionate employment to the applicant.

Mr. Sourav Bhattacharjee, learned advocate for the State respondents submits that the circular No.251-Emp, dated 3rd December, 2013 is applicable in the case because the applicant submitted his application for compassionate employment on 07.01.2014. Mr. Bhattacharjee stated that the application has come into force after the notification was published in the year, 2013. So, therefore, his case was considered strictly within the context of the circular of 2013. Therefore, the applicant cannot seek a relief on the ground that the missing father was missing prior to the notification of 2013.

SCN. Mr. Ray submits that the application dated 07.01.2014 was one of the later application submitted by the applicant. The applicant had submitted similar application prior to this date and prior to the notification of circular No.251-Emp, dated 3rd December, 2013. Mr. Ray prays for leave to submit copies of those applications which were duly received and stamped by the respondents.

Accordingly, let the matter appear under the heading "Hearing" on 16th December, 2022.

(SAYEED AHMED BABA)
MEMBER (A)