

**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 721 OF 2022**

**HIMADRI CHOWDHURY - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. For the Applicant : None  
and  
Date of For the State Respondents : Mr. S.N. Ray,  
order Advocate  
8  
04.04.2024

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 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under section 5(6) of the Administrative Tribunals Act, 1985.

Prayer in this application is for compassionate employment. After the death of Kanai Chowdhury, an employee with the Department of Water Resources Investigation and Development on 03.11.2013, Laxmi Chowdhury, the widow submitted an application for compassionate employment for herself. The proforma application was submitted on 09.04.2014 before the respondent. Unfortunately, she died on 01.05.2020. After the death of both the parents, the son, the present applicant, Himadri Chowdhury, submitted a plain paper application addressed to the Superintending Engineer (A.M.) Siliguri (A.M.) Circle, through the Block Development Officer, Habibpur, Malda which was duly received and forwarded on 25.06.2018. This plain copy application was subsequently followed by submission of a proforma application which was again submitted to the B.D.O. Habibpur, Malda. At the time of submission of the proforma application, the applicant was 18 years old. The respondent then considered the application and rejected the same on the ground that the applicant was a minor at the time of his father's death.

Submission of Ms. S. Ray, learned advocate for the applicant is that the respondent failed to consider the fact that within the time limit, the applicant's mother had applied for compassionate employment for herself. Her application was also being processed. Unfortunately, then applicant's mother died an untimely

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death. Submission is that the respondent should have taken into consideration that the very spirit of this Scheme of compassionate employment is to provide succour and economic support to the grieving family, who has lost the bread-winner. Since the applicant's father as well as the mother had expired, the present applicant had to present his application for compassionate employment. The rejection of the application on the ground that the applicant was a minor at the time of death of his father, is factually true, but it ignored the very purpose of the Scheme. By passing the impugned order the respondent also did not take into account the fact that within the time limit, the widow, mother of the applicant, who was at that point of time was eligible, had submitted her plain paper application as well as her proforma application. Her application was processed, but for the untimely death, the process remained incomplete. Under this situation, the applicant, Himadri Chowdhury, who had attained majority, applied before the respondent both in plain paper and proforma application.

Submission of Ms. Ray is that while considering the application for compassionate employment, the respondent should have considered the situation in its totality instead of just sticking to a mere technical reason of the applicant being a minor at the time of the death of the deceased employee.

SCN.

The fact that the applicant was a minor at the time of death of his father is not in dispute. The main point emphasised by the learned counsel for the applicant is that, the mother of the applicant and widow of deceased employee had applied within the timeframe for such an employment for herself. The unfortunate event of the mother's untimely death while her application was being processed was not taken into consideration by the respondent authorities. Ms. Roy has laid emphasis in her submission that had the mother been alive, being eligible in all respects, she would have got such an employment. Therefore, such untimely death of the original applicant compelled the applicant to apply for such an employment.

The Tribunal is not satisfied with the above submission of Ms. Roy that due to mother's untimely death, the applicant had to apply for such employment

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himself. As per the records in the application, it is seen that Himadri Chowdhury, the son and the applicant had furnished a plain paper representation before the Superintending Engineer (A-M) on 10.02.2017. The mother of the applicant had expired three years later on 01.05.2020. It is also in records that on the same date, the applicant had applied i.e. on 10.02.2017, the mother had also furnished a plain paper representation before the same authority requesting for change of application on behalf of her son.

From the above facts, the Tribunal has come to the finding that the mother had withdrawn her application in favour of her son on the date the son had attained the age of employment. On 10.02.2017, Himadri Chowdhury, the applicant had reached the age of 18 years 2 months and 26 days. Thus, the Tribunal is not satisfied with the reasons presented by the applicant and the fact remains that the applicant was a minor at the time of death of his father. As such the extant rules governing the Scheme does not allow consideration of an employment under compassionate ground to the applicant. Therefore, this application being devoid of any merit is disposed of without passing any orders.

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

A.K.P.