

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 : Ms. S. Ray,
and Advocate
Date of

order For the State Respondents : Mr. S.N. Ray,
Advocate

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09.03.2023

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.

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 who is the present applicant, Himadri Chowdhury, submitted a plain paper application addressed to the Superintending Engineer (A.M.) Siliguri (A.M.) Circle, Shibmonder, Kodomtota, Darjeeling before the Block Development Officer, Habibpur, Malda which was duly received 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

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was also being processed. Unfortunately, then applicant's mother died an untimely 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, which 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 was 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.

Ms. Ray prays for adjournment so that on the next date she will rely on relevant Apex Court judgements.

Let the matter appear under the heading "Hearing" on 06.06.2023.

SCN.

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