

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member(A)

Case No. – OA 721 of 2022

Himadri Chowdhury - VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Ms S. Ray,
Ld. Advocate.

04
13.06.2023

For the State Respondents : Mr. S. N. Ray,
Ld. 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.

In continuation of her submissions from the previous day, Ms. Ray, draws attention of the Tribunal to the following paragraph in a Judgement of (2006) 9 Supreme Court Cases 195 (Syed Khadim Hussain vs State of Bihar and others), relevant portion is as under:

“As the widow had submitted the application in time the authorities should have considered her application. As eleven years have passed she would not be in a position to join the government service. This is a fit case where the applicant should have been considered in her place for appointment”.

Further. Ms Ray, submits that the application of the applicant for compassionate employment deserved to be considered in the light of hardship he faced due to the death of his parents; rejecting the same on technical grounds of being a minor at the time of death of his father is no compassion.

In response, Mr. S N Ray, learned advocate for the State submits that the Notification 251-EMP, dated 03.12.2013 was relevant in considering this application, and since the applicant was a minor at the time of death

ORDER SHEET

Form No.

Himadri Chowdhury

Case No. **OA 721 of 2022**

Vs.
THE STATE OF WEST BENGAL & ORS.

of his father thus the application was considered and rejected.

Let the matter appear under the heading "For Orders" on
20.09.2023.

SAYEED AHMED BABA
Officiating Chairperson & MEMBER (A)

H.S