

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

Mr. Sayeed Ahmed Baba, Officiating Chairperson and Hon'ble Member (A).

Case No. – OA 729 of 2022.

RANAJIT NAIYA – VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

3
23.3.2023

For the Applicant : Ms. A. Shaw,
Advocate.

For the State respondents : Mr. M.N. Roy,
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 counsel for the contesting parties, the case is taken up for consideration sitting singly.

The prayer in this application is for compassionate employment. The applicant as son of the deceased employee had applied for compassionate employment, which was considered and regretted due to the fact that one Smt. Chhabirani Naiya, first wife of the deceased employee, Ananga Mohan Naiya objected and did not give her consent in “NOC”. The claimants were given an opportunity of hearing by the respondent on 7th September, 2022. During the hearing, Chhabirani Naiya and her successors objected for giving compassionate appointment in favour of the applicant, Ranajit Naiya. Smt. Chhabirani Naiya also submitted a written objection before the respondent.

Ms. A. Shaw, learned counsel appearing on behalf of the applicant submits that the written objection of Smt. Chhabirani Naiya was with regard to family pension and not compassionate appointment. Submission is that direction may be given to offer appointment letter to Ranajit Naiya, the applicant.

Mr. M.N. Roy, learned counsel appearing on behalf of the State

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respondents submits that the respondent is bound by the rule and the Notifications, in particular, 30-Emp stipulates that every member of the family has to give a "NOC" while considering the compassionate employment to one of the family members. In this case, Chhabi Rani Naiya, the legally married wife of the deceased employee has objected before the respondent during the hearing as well as for giving compassionate employment to the applicant.

As evident from above, the respondent expressed its inability to consider his application due to objection by other family members. It is upon the family members to come to a consensus and if each member issues "NOC" in favour of this applicant, the respondent can consider as per law.

At this stage, the Tribunal does not feel need for any intervention and the matter is disposed of without any order.

(SAYEED AHMED BABA)
Officiating Chairperson and Member (A).

Sk.