

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 73 of 2020

Supriyo Ghosh - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order For the Applicant : Mr. S.K. Nandi,
Learned Advocate.

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14.12.2022 For the State Respondent : Mr. G.P. Banerjee,
Learned 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 this application, the prayer is for setting aside the impugned order of the respondents dated 25.04.2019 in which by passing a reasoned order, the application for compassionate employment was regretted. The counsel for the applicant has filed this application challenging the grounds for such rejection. Before the submissions from the learned counsels are heard regarding the merit of the impugned order, the relevant part of the reasoned order rejecting such application is quoted.

“One of the conditions for eligibility for compassionate appointment in such a case is that the incapacitated employee will fully exhaust all kinds of leave with pay including Commuted leave on Medical ground vide Clause 6 (b) (ii) of Labour Department's Notification No. 251 EMP dt. 03.12.2013. But in this case it appears from proforma application that Earned Leave of (three hundred) 300 days was due in the credit of incapacitated employee at the time of his premature retirement and he

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received Leave Encashment benefit also. So the proposed candidate is found not eligible for compassionate appointment due to non fulfilment of condition prescribed in the said Clause 6(b) (ii) of Labour Department's Notification No. 251 EMP dtd. 03.12.2013. So the instant proposal is barred by the Labour Department's that notification read with subsequent amendment till date.

Accordingly, in compliance of the order dated 11.01.2019 passed by the Hon'ble WBAT in OA No. – 399 of 2018 (Supriyo Ghosh-Vs-State of West Bengal & Others), Principal Secretary & Home Secretary of this Department has taken a decision to regret the proposal for compassionate appointment in this case in the light of the guidelines contained in Labour Department's said Notification No. 251-EMP, dated 03.12.2013 read with subsequent amendment.”

Let the matter be fixed for “**Further Hearing**” on **26.04.2023.**

SAYEED AHMED BABA
Officiating Chairperson & MEMBER (A)

H.S