

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 732 OF 2022

TAMAL HALDER - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and
Date of order

08
04.09.2024

For the Applicant : Mr.Zalaluddin
Advocate
For the State respondents : Mr.Goutam Pathak Banerjee
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.

Mr.Zalaluddin, learned counsel argues that this is a fit case as per 10(aa) of Notification 26-Emp. dated 01.03.2016. Submission is that this particular proviso allows submission of an application for compassionate employment up to 5 years time from the date of death of the employee. The deceased employee had died on 22.09.2012 when the applicant was only 12 years 2 months old. This proviso also states that the applicant should have attained the age of employment at the time of consideration. It is argued that since at the time of consideration, the date being 20.09.2022, the applicant had already attained the age of employment - 22 years 2 months and 16 days, therefore, the respondent authority should reconsider their decision. Further submission is that the applicability of this proviso of 10 (aa) of Notification 26-Emp. dated 01.03.2016 is relevant in this case, because the father of the applicant had already crossed the age of 43 years, thus, he was not eligible for such an employment nor was there any other family member to apply for such employment. The learned counsel refers to a certificate issued by

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the Gram Panchayat Prodhan, Gourhati-1 Gram Panchayat as a proof of the age of the father of the applicant. Mr.Zalaluddin has been advised to file other documents in support of his argument that the father's age of above 40 years at the time of death of his wife barred him applying for such employment.

Let such documents be presented before this Tribunal on the next date. Matter to appear under the heading 'Hearing' on 29th January, 2025.

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

BLR