

**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 749 of 2023**

Tamal Bhattacharya -- **VERSUS** – The State of West Bengal & Ors.

Serial No. and  
Date of order

For the Applicant : Mrs. S. Das,  
Ld. Advocate.  
For the State respondent : Mr. S.K. Mondal,  
Ld. Advocate.

02  
18.04.2024

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 23<sup>rd</sup> 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.

Affidavit of service filed be kept on record.

The applicant has filed this application for a direction to the respondent authorities to offer him an employment under compassionate ground. The father of the applicant, Tapan Bhattacharya was an electrician with Public Works Directorate in Paschim Medinipur and died while rendering his service on 01.01.2014. Soon thereafter, the applicant preferred a plain paper hand written application before the Assistant Engineer, Electrical Sub-Division, Kharagpur on 09.01.2014. Copy of this application bears the signature, and seals of the Assistant Engineer and the Executive Engineer. Such plain paper application was followed by reminders and submission of the application in prescribed proforma on 15.12.2022. It also appears that on the basis of such an application, a Three-men Screening-cum-Inquiring Committee was formed and the applicant was advised to be present with relevant documents on 27.09.2022 in the office chamber of the Executive Engineer, Paschim Medinipur, Electrical Division. The application was examined by the competent authority and the final decision was conveyed by the Joint Secretary of the Department on 11.04.2023 to the Superintending Engineer, South-Western Electrical Circle, Public Works Directorate. In this communication, the Department observed that though the death of the employee had occurred on 01.01.2014 but the proforma application was submitted much later on 15.12.2022. On this ground of belated application the prayer was rejected.

Appearing on behalf of the applicant, Mrs. Das, learned counsel

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submits that the respondent authority failed to acknowledge and consider the fact that just after 8 days of demise of his father, the applicant had furnished a plain paper application before the respondent authority. This fact of submission of an application in plain paper within the time limit was completely ignored by the respondent authority while considering his application. Further, Mrs. Das also submits that on the very basis of submission of his plain paper application, the respondent authority had constituted the Three-men Screening-cum-Inquiring Committee and such Committee had advised the applicant to be present before them and submit all relevant documents. Therefore, the impugned reference devoid of this important fact is bad in law and thus not legally tenable.

Mr. Mondal, learned counsel for the State respondents submits that as per Clause 10(b) of Notification No. 251-Emp., the applicant was required to submit his/her application within the time-limit in the prescribed proforma. Mr. Mondal submits that such prescribed proforma was submitted on 15.12.2022 after a gap of more than 8 years, which led to rejection of the prayer for compassionate employment.

The matter is admitted.

Let the matter appear under the heading “**For Orders**” on **20.08.2024**.

**SAYEED AHMED BABA**  
**Officiating Chairperson & Member (A)**

CSM/SS