

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-76 of 2023

Sanjoy Soren VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order For the Applicant : Mrs. S. Agarwal,
Learned Advocate.

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27.06.2023 For the State Respondents : Mr. S.K. Mondal,
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 learned counsels for the contesting parties, the case is taken up for consideration sitting singly.

The applicant's father of the applicant died in harness working as a Krishi Sramik on 08.11.2006 in Nadia District. Although, the mother of the applicant and widow of the deceased employee applied for compassionate employment on 08.08.2008 but before such application was considered, she also died on 30.03.2013. The present applicant along with his siblings were all minors at the time of death of their deceased father. On 14.09.2017, the applicant having attained the age of 18 years applied for compassionate employment for himself before the respondent. His application was processed and three-Men Committee was also constituted to enquire into the application. This Committee submitted their findings in favour of the applicant on 26.12.2019. Later, the respondent authority considered the application and rejected the same. The relevant para of the impugned order is as under :-

“The instant case is found unfit for offering an employment on compassionate ground as the applicant, Sri Sanjoy Soren, son of the deceased employee did not attain

the minimum age (date of birth being 07.11.1998) during the time of consideration, as prescribed in the Revised provision under new clause 10 (a) & 10 (aa) of the Notification No. 26-Emp. Dated 01.03.2016 of Labour Department, Government of West Bengal.”

Submission of Mrs. Agarwal is that the impugned order mentions that the applicant being a minor at the time of consideration. At the time of consideration of this impugned order dated 24.11.2022, the applicant was not a minor since he was born on 07.11.1998.

Mr. Mondal prays for adjournment to take instructions from the respondent authority regarding the proper and clear meaning of the wordings “at the time of consideration” as stated in 10 (aa) of Notification No. 26-Emp.

Let the matter appear under the heading Hearing on **18.09.2023.**

SAYEED AHMED BABA
OFFICIATING CHAIRPERSON & MEMBER(A)

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