

ORDER SHEET

**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 765 of 2023**

**Rumpa Mondal & Another -- VERSUS – The State of West Bengal & Others**

Serial No. and  
Date of order

For the Applicants : Mr. G.P. Banerjee,  
Ld. Advocate.  
For the State Respondents : Mrs. Sonali Mitra,  
Ld. Advocate.

05  
19.02.2025

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.

In terms of a direction of this Tribunal in OA 640 of 2022, the respondent, Additional Chief Secretary, Home and Hill Affairs Department has passed a reasoned order on 21.09.2023. This reasoned order is being challenged through this application in the Tribunal.

In short, father of the applicant, Narendra Nath Mondal working as a Tyremen of Police Service Depot died on 11.03.2010 while in service. Within five months from the death, Anita Mondal, widow applied for appointment under compassionate ground for herself which was followed by submission of the proforma application in the year 2014. Mr. Banerjee, learned counsel submits that due to complete silence on part of the respondent authorities in not considering her application, she decided that instead of her, Rumpa Mondal, her youngest married daughter would prefer an application for such an employment. Accordingly, a plain paper application was presented sometime in 2014 followed by submission of the prescribed proforma also. Mr. Banerjee further argues that had the respondent authorities been prompt and considerate changing the name of the applicant would not have been necessary. He points out that a plain paper application submitted by the mother of the applicant within five months was not considered. Similarly, her proforma application submitted was also ignored. In terms of direction of this Tribunal in OA 640 of 2022, the respondent authority finally acknowledged and passed a reasoned order on 21.09.2023.

Responding on behalf of the State respondents, Mrs. Mitra, learned counsel submits that the fact of the applicant having submitted her proforma application for compassionate employment after lapse of more than four years has not been disagreed by the applicant. As per relevant rules, such an application becomes void. She also points out to a copy of the letter addressed by Anita Mondal, her mother to the Joint Commissioner of Police. It is pointed

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out that as evident from this letter, the earlier applicant, Anita Mondal whose application was being screened and recommended by the Committee changed her mind and withdrew her application in favour of the applicant.

From the above facts presented, it can be ascertained that the respondent authorities were actively processing the mother's application. Further, the compassionate employment, not being the vested right of a family cannot be taken as a trial and error matter. Here when the application was changed from one member to another member, it becomes obvious that the family was not in immediate financial crisis and, therefore, was not in need an employment as an assistance. The Commissioner of Police who had recommended her case to the Department happens to be only an authority who can recommend. It is the Department of Home and Hills Affairs which is the competent authority and which after considering the entire matter in depth came to the correct conclusion that not only the applicant's application was delayed by four year, but it also became clear that the family was not in any financial exigency. The Rules governing the compassionate employment covers only those families of the deceased employee who are passing through serious difficult times.

Thus, finding no merit in the prayers, this application is disposed of without passing any orders.

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

SS/HS