

**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 773 of 2022**

**Akash Ranjan Ray -- VERSUS – The State of West Bengal & Ors.**

Serial No. and  
Date of order

For the Applicant : Mr. D. Kar,  
Ld. Advocate.

For the State Respondent : Mr. G.P. Banerjee,  
Ld. Advocate.

07  
21.03.2024

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.

Supplementary application has been filed by the applicant's side, be kept on record. Copy served upon the other side. The supplementary has a copy of a plain paper application submitted by the applicant before the respondent authorities on 26.03.2014. It appears from the office seal given on the body of the application such application was received. However, this is subject to verification with the original records by the office of the respondent. Mr. D. Kar, learned counsel for the applicant referring to this application submitted on 26.03.2014 argues that at the time of such submission, the applicant had already attained the age of employment; he was 18+ years old. Further, by evidence of such application, it is clear that this application was submitted within five years from the date of death of the employee as per the provision in 10(a)(a) of Notification No. 26-Emp. Responding to the other reason for rejection on the basis of financial need, Mr. Kar relies on the report of the Enquiry Committee which had recommended such employment considering the financial condition of the family of the deceased employee.

Mr. Banerjee, learned counsel appearing on behalf of the State respondent and relying on the reasons given in the rejection order submits that such an application is not admissible primarily on the ground that the applicant was a minor at the time of death of the deceased employee. Mr. Banerjee also emphasises that this fact has not been disputed by the applicant. Attaining the age of employment later and submitting an application then do not entitle him to such compassionate employment. Mr. Banerjee also do not agree with the economic condition which would have necessitated such compassionate

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employment. Since the applicant submitted his application after a gap of five years from the date of death, it clearly leads to the conclusion that for the next five years, the family was not in dire economic condition.

Mr. Kar relies on a judgment of the Hon'ble High Court in W.P.S.T. 70 of 2017 (Arup Kumar Chakraborty v. The State of West Bengal & Ors.) and submits that this case being similar is relevant to the case.

**Order reserved.**

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

CSM