

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

Mr. Sayeed Ahmed Baba, Officiating Chairperson and Hon'ble Member (A).

Case No. – OA 774 of 2023.

SUCHETA SARKAR CHOWDHURY - VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

02
23.04.2024

For the Applicant : Mr. M.N. Roy,
Mr.G.Halder,
Learned Advocates.

For the State Respondents : Mrs. S. Mitra,
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 the learned counsel for the contesting parties, the case is taken up for consideration sitting singly.

The prayer in this application is for a direction to set aside the rejection order dated 12.07.2023 passed by the Deputy Inspector General of Police, Telecommunication, WB – the respondent no. 2 appearing at page 17 of the original application.

The learned counsel for the applicant submits that the applicant's deceased father, Subhas Chowdhury, Ex-constable/103 of Telecommunication, West Bengal died on 07.03.2022 leaving behind the applicant and Chaitali Chowdhury as his legal heirs. It is to be mentioned that soon after the death of the father of the applicant, the mother of the applicant applied for appointment on compassionate ground in favour of her daughter, the applicant herein on a plain paper on 15.03.2022 which appears at page nos. 15 and 16 of this application. On examination of the impugned order, it appears that the Deputy Inspector General of Police, Telecommunication, WB rejected the application for employment under compassionate ground by passing the following order, which is as follows :-

“.....a married daughter at the time of her father's death is not eligible for employment under exempted category on compassionate ground...”

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In this respect Mr. Roy has submitted that the rules covering such employment has been amended and by Notification No. Labr/419/Law dated 04.11.2022 by which even a daughter, married or unmarried or divorced has been made eligible to apply for such employment. The relevant rule is as under :-

Sl. No.	Existing/New Clause/Para No.	Existing Provision	Proposed Provision.
1.	Cl.3(b),3(c),3(d) of Notification No. 251-Emp dated 03.12.2013	(b) son(including legally adopted son before death or incapacitation); or (c) unmarried daughter (including legally adopted unmarried daughter before death or incapacitation); or (d) married daughter who on date of death or incapacitation was unmarried	(b) son (including legally adopted son before death or incapacitation or missing); or (C) daughter (including legally adopted daughter before death or incapacitation or missing); or (d) third gender Child(including legally adopted third gender child before death or incapacitation or missing)
2.	Para 3(dd) [new clause] added to the Notification No. 251-Emp	(a) A divorce daughter, who has become dependent on the family, and	Omitted.

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	03.12.2013	the divorce petition was filed before the death/permanent incapacitation of the Govt. Employee.	
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Submission is that in view of the amended Notification, the respondent authority may be directed to reconsider her application for employment on compassionate ground.

Mrs. S. Mitra, learned counsel on behalf of the respondent authorities submits that if such a direction be given, the same will be considered as per rules.

Having heard the submissions of the learned counsels, the Tribunal finds the impugned reference dated 12.7.2023 untenable and null and void and therefore it is set aside with a direction to the respondent no. 2 – The Deputy Inspector General of Police to reconsider the prayer for compassionate employment in the light of Notification No. Labr/419/Law dated 04.11.2022 and pass a reasoned and speaking order within four months from the date of passing of this order. Let copy of such reasoned order be communicated to the applicant within two weeks thereof.

(SAYEED AHMED BABA)
Officiating Chairperson and Member (A).

Sk.