

**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- 777 of 2022**

**Amit Jha. VERSUS – The State of West Bengal & Ors..**

Serial No. and Date of order For the Applicant : Mr. S. Ghosh,  
Learned Advocate.

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12.05.2023 For the State Respondents : Mr. G.P. Banerjee,  
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 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 learned counsels for the contesting parties, the case is taken up for consideration sitting singly.

The prayer in this application is for setting aside the reasoned order passed by the respondent on 22.08.2022. The reasoned order relying on several Notifications of the Labour Department rejected the application for compassionate employment primarily on the ground that the applicant was a minor at the time of death of his father who was an employee with the State. Moreover, the respondent observed that the application for compassionate employment was submitted after a lapse of more than six months from the date of death. It is also noted that at the time of death of the father, the applicant's elder brother was more than eighteen years old and thus eligible for compassionate appointment but he did not apply for such employment.

Submission of Mr. Ghosh, learned counsel is that as per 10 A of 26-Emp "if a family of the deceased employee is in need of financial assistance and the same is absolutely necessary to support the family, application for employment is to be submitted within two years from the date of death."

Mr. Ghosh submits that a plain paper application was submitted before the respondent, Executive Engineer, Dakshin Dinajpur Highway Division on 07.02.2011 after the father's death on 20.07.2010. It is evident from the office order issued by the Superintending Engineer on 08.12.2011 by which a three Men Committee was constituted to enquire into the applicant's application for compassionate employment that the application was submitted on time . Thereafter, the P.W. (Roads) Directorate on 05.06.2013 issued a correspondence in which it is stated that the applicant's sl. No. is 314 in the "single list of candidates for appointment to the post of Group-D."

The matter is admitted.

Let the matter appear under the heading Hearing on **26.07.2023.**

SAYEED AHMED BABA  
OFFICIATING CHAIRPERSON & MEMBER(A)

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