

**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 794 of 2022**

**Sagarika Das - VERSUS – The State of West Bengal & Ors.**

Serial No. and Date of order For the Applicant : Mr. D. Sarkar,  
Learned Advocate.

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02.02.2023 For the State Respondents : Mr. S. Ghosh,  
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 the learned counsels for the contesting parties, the case is taken up for consideration sitting singly.

The matter is admitted.

The prayer in this application is for setting aside the impugned order of the respondents dated 01.09.2022 in which the prayer for compassionate employment was rejected for the applicant, Sagarika Das, daughter of the employee. It appears that the employee Sankar Das, Sweeper of EB, KP suffered from serious medical ailments and was not able to perform his duties. Thus, he submitted a written application before the Deputy Commissioner of Police, Enforcement Branch, Kolkata on 05.08.2014 informing about his heart disease as well as various other physical ailments and sought voluntary retirement w.e.f. 31.08.2014. In one of the medical prescriptions from N.R.S. Medical College and Hospital dated 28.01.2013, it appears he was diagnosed with left sided Intra-cerebral Haemorrhage. Later, his daughter Sagarika Das submitted an application before the respondents requesting for job under compassionate ground in view of the voluntary retirement of her father on medical ground. In the impugned order dated 01.09.2022, her application for compassionate employment was rejected on the ground

**ORDER SHEET**

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that her father, the employee had taken voluntary retirement on medical ground without submitting any incapacitation certificate. Thus, the application does not confirm the Notification No. 251-EMP dated 03.12.2013 and 26-EMP dated 01.03.2016.

Mr. D. Sarkar, learned counsel for the applicant prays for accommodation to submit more relevant documents by the next date.

Let the matter appear under the heading "**Hearing**" on **17.04.2023**.

SAYEED AHMED BABA  
Officiating Chairperson & MEMBER (A)

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