

ORDER SHEET

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

The Hon'ble Sayeed Ahmed Baba, Administrative Member

Case No. – OA 798 OF 2021

CHANCHAL DAS - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and  
Date of order

02  
10.02.2022

For the Applicant

: Mrs.Sonali Mitra  
Advocate

For the Respondent Nos. 2 (I) to  
2 (III)

: Mr.Goutam Pathak Banerjee  
Advocate

For the Respondent No. 2 (IV)

: Mr.Manujendra Narayan Roy  
Advocate

Let affidavit of service filed today be kept on record.

As prayed for leave granted to the applicant to amend the cause title of the application with regard to respondent no. 2 (I).

In this application, Chanchal Das, the applicant, has prayed for several reliefs, the relevant portion of which is as under:

*“(a) An order be passed upon the respondent authorities to grant employment under exempted category on compassionate ground for the post of constable in West Bengal Police in favour of the applicant forthwith;*

*(b) An order be passed upon the respondent authorities to complete the entire process for granting compassionate appointment granting employment under exempted category on compassionate ground for the post of constable in West Bengal Police in favour of the applicant to protect the family of the deceased employee in favour of the applicant under died-in-harness category by considering the representation dated 5<sup>th</sup> October, 2021 forthwith;”*

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It appears that the father of the applicant while working as Assistant Sub-Inspector in the office of the Superintendent of Police, Government Railway Police, Siliguri passed away on 27<sup>th</sup> October, 2003 leaving behind the heirs as evident from affidavit sworn by Doli Das (Sarkar) on 29<sup>th</sup> November, 2019 appearing in pages 31 and 32 of the application. After the unfortunate death of the father of the applicant, the concerned authorities issued pension payment order on 3<sup>rd</sup> August, 2004 and also released retiral benefits which according to the applicant was very low. The applicant has stated that he had passed Madhyamik Examination in the year 2003, Higher Secondary Examination in the year 2006 and graduated in the year 2009 and had registered his name with the concerned Employment Exchange for being considered for employment in a suitable vacancy. It appears after the death of the father of the applicant, the mother of the applicant made an application for compassionate appointment in favour of the applicant and subsequently on 5<sup>th</sup> September, 2005, the applicant, after attaining majority submitted a representation before the respondent authorities with a prayer for granting compassionate appointment in favour of the applicant to protect the family of the deceased employee. In response to the application, the Superintendent of Police, Government Railway Police, Siliguri, in the district of Darjeeling, the respondent no. 2(IV) requested the applicant to submit the documents for consideration for compassionate appointment of the applicant. However the said application for compassionate appointment under the exempted category was rejected on the ground that the applicant was only 15years 8 months and 20 days on the date of death of his father and he was not the only eligible member of the deceased employee's family and as a result, he does not fulfil the condition laid down in the Notification dated 3<sup>rd</sup> December, 2013 read with the Notification dated 1<sup>st</sup> March, 2016 as evident from the intimation dated 12<sup>th</sup> June, 2019 being Annexure- 'C' to the application. However it appears

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subsequently, Paban Das, one of the brothers of the applicant, submitted a representation on 28<sup>th</sup> November, 2019 before the respondent no. 2 (IV) praying for appointment of the applicant on compassionate ground. Thereafter the said respondent no. 2 (IV) by Memo. dated 10<sup>th</sup> January, 2020, being Annexure-‘E’ to the application, requested the Deputy Inspector General (P&W) West Bengal, Kolkata, the respondent 2 (III) to examine the proposal of the appointment of the applicant *“for employment under “EXEMPTED CATEGORY” on compassionate ground for the post of “Constable” in West Bengal Police after examine the proposal in the light of 10 (aa) “Belated Request Clause” of 26-Emp dtd. 01.03.2016 of Labour Department, West Bengal”*.

Thereafter the applicant on 5<sup>th</sup> October, 2021 made a representation before the respondent nos. 2 (III) and 2 (IV) praying for grant of compassionate appointment.

Mrs.S.Mitra, learned advocate for the applicant submits in view of the Memo. dated 10<sup>th</sup> January, 2020 and representation dated 5<sup>th</sup> October, 2021, the matter regarding appointment of the applicant on compassionate ground may be reviewed.

Mr.G.P.Banerjee, learned advocate appearing on behalf of the respondent nos. 2 (I) to 2 (III) submits, if directed, the respondent authorities will consider the matter in accordance with law.

Mr.M.N.Roy, learned advocate appearing for the respondent no. 2 (IV) submits that the respondent 2 (I) to 2 (III) have the jurisdiction to take a decision regarding the matter.

Having heard the learned advocates for the parties and considering the facts and circumstances of the case, the application is disposed of by directing

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the Additional Chief Secretary, Department of Home and Hill Affairs, the respondent no. 2 (I) to reconsider the matter regarding grant of compassionate appointment to the applicant in the light of memo. dated 10<sup>th</sup> January, 2020 being Annexure- 'E' to the application sent by the Superintendent of Police, Government Railway Police, Siliguri, the respondent no. 2 (IV) in view of 10 (aa) "Belated Request Clause" of 26- Emp dtd. 01.03.2016 issued by the Labour Department West Bengal within fifteen weeks from the date of presentation of a copy of this order after verifying the records and after making necessary enquiry.

(SAYEED AHMED BABA)  
MEMBER(A)

(SOUMITRA PAL)  
CHAIRMAN

BLR