

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

THE HON'BLE SAYEED AHMED BABA, OFFICIATING CHAIRPERSON AND ADMINISTRATIVE MEMBER,

Case No. – OA 80 of 2023

SOMNATH HALDER - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and

Date of order

For the Applicant : Mrs. S. Mitra
Advocate

07

14.03.2024

For the State Respondents : Ms. R. Sarkar,
Mr. S. Debray,
(Departmental Representatives)

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 and the Departmental Representatives for the contesting parties, the case is taken up for consideration sitting singly.

The father of the applicant, Bijoy Krishna Halder died in harness on 31.12.2013 as a Revenue Inspector under Block Land and Land Reforms Officer, Binpur-II, Jhargram. As per the applicant, the mother of the applicant, Uttara Halder submitted the pro-forma application on 24.07.2014 for compassionate employment. Later it appears that she withdrew the application and submitted a fresh one for employment on behalf of her son. At that point of time, the applicant was only 11 years old. When the applicant became an adult, he submitted an application for compassionate employment for himself on 18.02.2020 before S.D.L. & L.R.O., Jhargram. Later, the respondent, Department of Land and Land Reforms considered the matter and rejected the same on 21.06.2022 on the ground that the application for compassionate employment was submitted much after the death of the deceased employee. The impugned order refers to 26-Emp. dated 01.03.2016 and 251-Emp. dated 03.12.2013 of the Labour Department in which the time for submission of such application is mentioned.

Vs.

Case No. **OA 80 of 2023**

THE STATE OF WEST BENGAL & OTHERS.

Having heard the submissions of the learned counsels and on examination of the records in this application, it is clear to this Tribunal that copies of pro-forma application submitted by the mother for a compassionate employment for herself is questionable. Similarly, the plain paper application purportedly submitted by the applicant, Somnath Halder dated 18.02.2020 is also doubtful for the same reason. Both the pro-forma and the plain paper applications do not have any signature and seal of the offices who were supposed to have received this. The Tribunal also does not find it acceptable that after the death of deceased employee on 31.12.2013, the applicant submitted such a plain paper application on 18.02.2020, after a gap of seven years. It is clear that being a minor at the time of death of his father and not being eligible, he waited till he attained the age of appointment and submitted this application. The rules governing the scheme are clear that no minor of the deceased employee can apply and such application, even if eligible should be made within two years from the date of death of the employee. However, in this case, the Tribunal is not satisfied that such an application preferred by the applicant after seven years deserves any consideration. Thus, the prayer in this application being devoid of any merit is disposed of without passing any orders.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON AND MEMBER (A)

A.K.P.