

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

**Present-**

**The Hon'ble Sayeed Ahmed Baba, Administrative Member.**

**Case No. –OA 817 of 2016**

**Sk. Rezaul Karim. - Versus - The State of West Bengal & Others.**

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|---------------------------------|---------------------------|--|
| Serial No. and<br>Date of order | For the Applicant         | : Mr. M. A. Sardar,<br>Mr. A. Samad,<br>Advocates. |
| <u>17</u><br>20.06.2022.        | For the State Respondents | : Mrs. S. Agarwal,<br>Advocate.                    |

In the instant application, Sk. Rezaul Karim - the applicant has applied for a compassionate employment. The deceased father who died on 30.04.2011, had worked as Group – 'D' in the Department of Arsenic Division, P.H.E. Directorate, North 24-Parganas. The application for employment was made on 05.07.2011 within the time frame under the rules. Subsequently, an Enquiry Committee was set up which enquired and submitted its report recommending compassionate employment. The Enquiry Committee in its report on 23.07.2013 recommended employment assistance based on the socio-economic need of the family. However, when despite several prayers the respondents did not offer a substantive employment, the applicant approached the Tribunal through this OA in the year 2016. The Tribunal directed the respondents vide order dated 02.11.2016 to file a status report. Accordingly, the respondents filed a status report dated 06.02.2017. As per the status report, the family has already received death gratuity and other benefits and the widow is also getting the family pension as well she is also the recipient of her own pension due to her service as a school teacher.

In view of the above, the Chief Engineer (Planning & W.Q.M.), P.H.E. Directorate informs in his letter to the Superintendent Engineer, North 24-Parganas W/S Circle, P.H.E. Directorate with copy to the applicant regretting compassionate employment to the applicant as he is not eligible.

Not satisfied with the decision of the respondents rejecting his prayer, the applicant challenged the impugned order on 16.01.2018. The letter dated 03.02.2021 addressed to Special Secretary, Public Health Engineering Department, Government of West Bengal by Chief Engineer, (Mech. / Elec.) Southern Zone, P.H.Engg. Dte. informs that *“A vacancy in favour of Sri Sk. Rezaul Karim may be allotted from the vacancy position that already sent to them if otherwise eligible for job as per existing G.O.s of Labour Department.”* The matter was finally disposed of by the respondents through a letter 03.02.2022 from the Deputy Secretary to the Govt. of W.B. addressed to the Chief Engineer (M/E) S.Z. PHE Dte. The relevant portion of the order is as under :-

*“The undersigned is directed to inform him that prayer for employment assistance on compassionate ground in favour of Sk. Rezaul Karim, S/o Late Mozaffer Hussain , Ex-Guard under Barasat Arsenic Division, PHE Dte. forwarded from his end vide no. under reference is rejected as the applicant could not fulfil all requisite criteria as per No. 251-Emp. Dated 03.12.2013 read with 26-Emp. Dated 01.03.2016.*

*Reason of Rejection: The total family income of the deceased is more than 90% of the gross monthly salary drawn by the deceased employee drawn immediately before death.”*

Heard both the learned advocates for the parties, let the matter appear under the heading “For Orders” on 06<sup>th</sup> September, 2022.

(SAYEED AHMED BABA)  
MEMBER(A)

S.M.

Form No.

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