

ORDER SHEET

**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 818 of 2022**

Arjun Kumar Saren -- **VERSUS** – The State of West Bengal & Others

Serial No. and  
Date of order

For the Applicant

: Mr. G.P. Banerjee,  
Ld. Advocate.

07  
19.11.2024

For the State Respondents

: Mr. M.N. Roy,  
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 matter is taken up for consideration sitting singly.

Manjura Saren, a Constable with Kolkata Police died while in service with Park Street Police Station on 14.07.2011 at the age of 40 years. Arjun Kumar Saren, this applicant and son of the deceased employee was a minor of 12 years old at the time when his father died. Fulmoni Saren, the widow and the mother of this applicant, prayed for employment under the compassionate ground for herself before the respondent authority on 23.09.2011 followed by similar applications furnished by her before the respondent authorities on later dates also. The State Government by a letter dated 17.06.2022 conveyed a message favouring her application and the Administrative Officer of the Office of the Commissioner of Police, Kolkata by its letter dated 9337 dated 23.06.2022 asked her to appear before them on 30.06.2022 along with relevant documents and this time. The mother suffering from a serious ailment was not in a position to appear before the respondent authorities. On 20.07.2022, she succumbed to her ailments. With the death of his mother so suddenly, the applicant now submitted an application on 04.08.2022 praying for an employment for himself. In absence of any response from the State side, the applicant submitted a

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reminder on 11.08.2022. Such application was considered and regretted and conveyed to the applicant by a Memo No. 2471 dated 30.08.2022. The impugned reference mentions the ground of such rejection due to the fact that earlier an approval was given to appoint Smt. Fulmoni Saren, the mother of the applicant, who unfortunately died before such appointment was received, but the prayer of the applicant for such employment cannot be considered as a transfer case from the deceased mother to her son. The relevant provisions cited by the respondent authorities is Clause 12 (b) of Notification 251-Emp dated 03.12.2013. The cited clause of Notification 251-Emp dated 03.12.2013 is as under :-

*“An appointment offered /made on compassionate ground cannot be transferred to any other person and any such request shall be rejected”.....*

It is indeed very unfortunate for the family that when such appointment was considered favourably for the widow, Fulmoni Saren, she succumbed to her illness, though the applicant applied for himself after the mother's death but his application is barred by Section 12(b) of Notification 251-Emp dated 03.12.2013. The respondent authorities cannot be said of having taken an incorrect decision. They were right in terms of the Scheme as stipulated in the Notification 251-Emp dated 03.12.2013. In terms of such Notification, the applicant, Arjun Kr. Saren was clearly a new applicant and cannot have the benefit of such transfer of appointment.

Having examined the records properly and after hearing the submissions of the learned counsels, the Tribunal does not find any merit in the application of the applicant and the respondent authorities were correct in taking the decision regretting such an employment. Accordingly this application is disposed of without passing any orders.

SAYEED AHMED BABA  
Officiating Chairperson & Member (A)

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