

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-82 of 2024**

Nityananda Shil -- **VERSUS** – The State of West Bengal & Ors.

Serial No. and  
Date of order

For the Applicant : Mrs. S. Agarwal,  
Ld. Advocate.

For the State Respondents : Mr. G.P. Banerjee,  
Ld. Advocate.

03

19.11.2024

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.

Nikhil Chandra Shil, father of the applicant died on 30.08.2002 while working as a peon in the Tufanganj office of the Agriculture Department. It is not in dispute that at the time of death of the father, the applicant Nityananda Shil was a young boy of only eight (08) years old. It has been submitted by the applicant's side that, though he was a minor at that point of time, but his mother had submitted a plain paper application for such an employment on 30.12.2002, which was within the permissible time limit. It was further submitted on behalf of the applicant that when he attained the age of employment, he had submitted an application on 26.12.2011. It is a simple and discernible fact that after the death of the employee on 30.08.2002, the applicant furnished an application for himself after a gap of nine (09) years. The extant rules governing the scheme as laid down in 251-Emp and 26-Emp of the Labour Department allows a maximum of two (02) years time for such application to be submitted and five (05) years for exceptional cases when two conditions are fulfilled. It is not in dispute that the applicant being a minor at the time of his father's death could not fulfil this important eligible criteria. Further, he did not fulfil another important criteria when he submitted his application after nine (09) years from the date of death of his father.

The Tribunal is not satisfied with the prayers in this application and evident from the records, it can be safely concluded that the applicant did not fulfil the laid down criteria to be eligible for an employment under compassionate ground. It is to be reiterated that an employment under compassionate ground does not vest any right on the family of the deceased employee. Such an employment is only a need based concept where besides other criterias, the family of the deceased employee has to satisfy beyond reasonable doubt that due to death of the earning member, the family has fallen into serious financial disarray. The

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Tribunal has observed that in this case, not only the applicant could not fulfil two important criterias but it has also not been shown that the family was passing through financial hardships.

Thus, it is of the view that the application does not have any merit and is therefore, **disposed of** without passing any orders.

**SAYEED AHMED BABA**  
**Officiating Chairperson & Member (A)**

CSM