

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 827 OF 2023

SANU MONDAL (MISTRY) - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and
Date of order

For the Applicant : None

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19.11.2024

For the State respondents : Mr.Goutam Pathak Banerjee
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 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, the case is taken up for consideration sitting singly.

The applicant has prayed for a direction to the respondent authorities to appoint her under compassionate ground in the post of Group-D. His father was a Group-D staff under Public Works Department and during his service life, expired on 21.11.1975. As seen in this application, after the death of her father she submitted an application praying for such employment before the respondent authorities on 03.02.1999.

As is evident from the records and agreed by the counsels representing both the sides, it is a fact that the applicant, being the divorced daughter of the deceased employee had first applied for an employment under the compassionate ground on 03.02.1999. It is also not in dispute that such an application for compassionate employment was made by the applicant after 24 years. The guidelines governing such employment as laid down in 251-Emp dated 03.12.2013 and 26-Emp dated 01.03.2016 allows an applicant to submit an application before the respondent authorities within two years from the date of death of the

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deceased employee and up to five years for exceptional cases. In this case, it was neither made within two years nor within five years, but after long 24 years. Thus, the most important step to be taken by a family member as an applicant was not fulfilled by filing such belated application. Another important criteria to be fulfilled the Scheme, which is, financial suffering has also not been proved. Mere daughter of the deceased employee does not vest any right on the applicant for claiming such an employment. Thus, this application, being devoid of any merit, is disposed of without passing any orders.

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

BLR