

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble SAYEED AHMED BABA, Member (A)

Case No. – OA-835 of 2018

Tuku Singha & Anr. VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. Mrinmoy Bhattacharyya,
Learned Advocate.

13
29.08.2022

For the State
Respondents : Mrs. S. Agarwal,
Learned Advocate.

In this application, the applicant prays for suitable direction to the respondents for providing compassionate employment. The applicant's father an employee under the P.W.D. Deptt. died in harness on 16.07.2012. Thereafter, an application was submitted to the concerned authority for providing employment under died in harness category. The respondents after considering the application along with recommendation of the Three Men Enquiry Committee rejected the same on the ground that the application for employment was not submitted within six months from the date of death of the employee. Being aggrieved by the decision, the applicant moved the Tribunal in OA-1018 of 2016. The Tribunal was pleased to direct the respondent to revisit its earlier decision and pass a fresh reasoned order. The respondent in compliance with the Tribunal's direction on 11.10.2017, considered the application afresh and rejected the same on the new ground that the monthly income of the family does not fall below 90 % of the gross monthly salary of the deceased employee. Again aggrieved by the rejection order of the respondent, the applicant approached the Tribunal in this

application being No. OA-835 of 2018. It is submitted by the learned counsel for the applicant that respondents erred in rejecting the application by including the family pension as part of the family income. According to him, there are judgements of the Hon'ble High Court and Apex Court which makes it clear that after the death of the employee, pension and other retiral benefits given to the family cannot be made as a part of the family's regular income. In this case, the respondent has included Rs. 9979/- as family pension with interest and rejected the application on the ground that the family was not in need of minimum financial assistance.

Mrs. Agarwal appearing on behalf of Mr. G.P. Banerjee, learned advocate for the respondent prays for adjournment. Prayer is allowed.

Let the matter be listed for Hearing on **12.09.2022**.

SAYEED AHMED BABA
MEMBER (A)