

**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 839 OF 2022**

**PINTU PAUL - Vs - THE STATE OF WEST BENGAL & OTHERS.**

Serial No. and  
Date of order

09  
06.01.2025

For the Applicant : Mrs.Sunita Agarwal  
Mr.Sourav Bhattacharjee  
Advocates

For the State Respondents : Mr.Soumendra Narayan Ray  
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 case is taken up for consideration sitting singly.

By filing this application, the applicant has prayed for setting aside the impugned order of the respondent authority rejecting his prayer for an employment under compassionate ground. The Additional Chief Secretary of the Department had passed a reasoned order dated 05.05.2022 in Memo. No. 993. Such order had to be passed in terms of a direction of this Tribunal on 11.06.2019 in OA 900 of 2018. The Secretary of the Department regretted the prayer for an employment under compassionate ground mainly on the ground that the applicant was a minor at the time of death of the deceased employee, his father. The date of birth recorded for the applicant being 03.02.1988, was only 15years 11 months and 3 days. The reasoned order also had observed that he submitted his application for employment on 28.07.2008 after more than four and half years from the date of death of his father. The order also refers to the Notification 251-EMP which is the guideline for compassionate employment. As per this Notification, two years time is

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extended for members of the family to apply. The applicant was not only being a minor at the time of death of his father but had submitted his application before the respondent authorities after delay of four and half years. Submitting on behalf of the applicant, Mr.S.Bhattacharjee, learned counsel argues that under 10(aa) of Notification 26-EMP dated 03.12.2016, a total time of five years is allowed for a family member to apply. This relaxation of five years, however, comes with two conditions, which the applicant has fulfilled since none in his family was eligible for such employment at the time of death of the deceased employee. Mr.S.N.Ray, learned counsel has submitted that as evident from the applicant itself, the applicant was a minor at the relevant point of time and therefore, not entitled to benefit for such an employment. Moreover, the applicant delayed submission of his proforma application by around four and half years though only two years time was allowed for such submissions.

Let further submissions be heard on the next date and the matter to appear under the heading 'Hearing' on 4<sup>th</sup> March, 2025.

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

BLR