

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Bikash Bhavan, Salt Lake, Kolkata – 700 091.**

**Present-**

**Mr. Sayeed Ahmed Baba, Officiating Chairperson and Hon'ble Member (A).**

Case No. – OA 844 of 2023.

BARNALI PANDA & ANR - VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and  
Date of order

For the Applicants : Mrs. S. Mitra,  
Advocate.

04  
13.12.2024.

For the State Respondents : Mr. M.N. Roy,  
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.

The applicants have prayed for setting aside the reasoned order passed by the respondent authorities on 24.06.2023 rejecting the application for employment on compassionate ground. The father of the applicant was a Sub-Inspector of Police attached with S.P., Purba Midnapore and died in harness on 28.12.2019. The application for compassionate employment was submitted by the mother of the applicant on 05.07.2021 in favour of her daughter and the applicant had submitted her application on 29.08.2023. However, such applications were rejected by the respondent authorities after citing reasons.

The primary ground for rejection was that the applicant was a minor of only 15 years 3 months and 24 days at the time of death of her father, the deceased employee who had died while in service on 28.12.2019. Mrs. Mitra, learned counsel appearing on behalf of the applicants argues that though it is a fact that the applicant was a minor at the time of death of her father but the fact that at the time of consideration of her application, the applicant had already attained the age of employment. The respondent authorities had considered her application and took the final decision on 24.06.2023.

Submissions made by Mrs. Mitra and Mr. Roy, learned counsels were heard and the records in this application examined. From these submissions and records, the Tribunal finds that the fact of the applicant being a minor at the time of death of her father is not in dispute. As per guideline of the Scheme and other relevant

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Rules, a minor is not entitled to be offered a civic employment. It is also clear that the mother had furnished an application on behalf of her daughter, who was minor at that point of time. Such a hurdle cannot be cleared by the argument of Mrs.Mitra that at the time of consideration, she had already attained the age of employment. Since the respondent authority had rightly rejected the application for compassionate employment on valid ground, the Tribunal does not see why it should be interfered with. Therefore, this application having no merit is disposed of without passing any orders.

(SAYEED AHMED BABA)  
Officiating Chairperson and Member (A)

Skd.