

**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 85 of 2021**

**Subhendu Chowdhury -- VERSUS – The State of West Bengal & Ors.**

Serial No. and For the Applicant : Mr. A. Hati, Ld. Advocate.

Date of order For the State respondent : Mr. S. Ghosh, Ld. Advocate.

12  
21.03.2024

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.

On consent of the learned counsels for the contesting parties, the case is taken up for consideration sitting singly.

Disagreeing with the reason given for rejection of the application, being applicant was a minor at the time of death of his father, Mr. Hati, learned counsel for the applicant submits that the main Notification relied upon by the respondent authority – 251-Emp. dated 03.12.2013 came into force after 13 years from the date of death of the employee i.e. on 19.06.2000. Submission is that such a Notification cannot be relied for rejecting the application. Similarly, the other Notification relied upon 26-Emp. dated 01.03.2016 also came much later from the date of death of the employee. The respondent authorities have taken an arbitrary decision in rejecting the applicant's application by taking shelter under two Notifications which were not in force at the time of death of the employee nor at the time of submitting the application for compassionate employment. Therefore, these Notifications not being relevant at all cannot be relied for rejecting his application. Further, Mr. Hati wishes to file relevant judgments of the Hon'ble Apex Court relating to the issue of whether Notifications published after the relevant point of time can come in force to cover such events having occurred prior to such publication.

Let copies of such relevant judgments be filed by the next date and let the matter appear under the heading "For Orders" on 21.08.2024.

SS

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