

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. – QA-85 of 2021

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

Serial No. and
Date of order

For the Applicant : Mr. A. Hati,
Learned Advocate.

09
28.11.2022

For the State
Respondents : Mr. S. Ghosh,
Learned 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 counsels for the contesting parties, the case is taken up for consideration sitting singly.

Learned counsel for the applicant submits that his application for compassionate employment was rejected on ground of him being a minor at the time of his father's death. The Notification No. 251-Emp quoted by the respondent in rejecting the case came into force on 03.12.2013, after the death of the employee which occurred on 19.06.2000. Similarly, learned counsel submits that the date of application by the applicant was also on 18.11.2008, before the said Notification came into force.

Mr. Ghosh appearing for the respondent submits that contrary to what learned counsel for the applicant submitted, the Notification 251-Emp read with 26-Emp clarifies that the Notification will cover all the pending cases for compassionate employment. Therefore, this case will also be covered under the

Notification 251-Emp read with 26-Emp.

Mr. Ghosh also submits that the first application for compassionate employment was made on 18.11.2008, after a gap of eight years from the death of the deceased employee. Therefore, it appears that the family of the deceased for eight long years was not under any economic distress and, therefore, not in need of compassionate employment. Thus, application was considered and found unsuitable and rejected.

Let the matter be fixed for Orders on **07.03.2023**.

SAYEED AHMED BABA
OFFICIATING CHAIRPERSON & MEMBER (A)