

**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 867 OF 2019**

**KANGKAN BARMA - Vs - THE STATE OF WEST BENGAL & OTHERS.**

Serial No. and  
Date of order

12  
23.04.2024

For the Applicant : Mrs.Sunita Agarwal  
Advocate  
For the State Respondents : Mr.Gourav Halдар  
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.

The father of this applicant died in harness on 03.11.2005 while serving as a Constable under Kolkata Police. At the time of death of his father, the applicant was a minor of 12 years. On 13.08.2019, the respondent authority communicated to the applicant that his application was not considered. No specific reason was given for such rejection. On an earlier date - 23.07.2019, the respondent had taken a final decision rejecting the application after mentioning reasons, but such document was presented before this Tribunal only on 05.02.2021. In this impugned Memo. the respondent had rejected the application on the ground that the applicant was a minor of only 12 years 8 months and 29 days at the time of death of the deceased employee. Relying on Notification 251-Emp and Notification 26-Emp. the respondent found the applicant ineligible for appointment under compassionate ground. The primary reason of rejection for being a minor has not been disputed by the applicant. Mrs.Agarwal, learned counsel has submitted that such rejection was taken after a long delay of 19 years. Besides this, no other valid ground has been presented by the applicant's side refuting the

ground relied by the respondent in rejecting such application. From the above facts presented by the learned counsels, it is clear to this Tribunal that though belated, a decision was taken regretting primarily on the ground that the applicant was a minor at the time of death of his father. Such ground has not been disputed by the applicant's side and it remains a valid point that being a minor the applicant was not eligible for such employment. It is also not clear as to when did the applicant properly applied. The copy of proforma application appears to have been submitted, neither has the signature of the applicant nor any date given, leave alone any signature or seal of the respondent's office. This copy remains a doubtful copy and from this it cannot be ascertained that such proforma application was furnished by the applicant before the respondent authorities.

Having observed the above, the Tribunal is not satisfied that the prayer in this application has any merit. The Tribunal finds the impugned decision taken by the respondent authorities in its Memo. 2121 dated 23.07.2019 was correct and as per the rules governing the scheme on compassionate ground. Finding no merit in this application, it is disposed of without passing any orders.

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

BLR