

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 890 OF 2018

SANDIP CHAKRABORTY - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and
Date of order

20
23.12.2024

For the Applicant : Mr. B.Manna
Advocate
For the State Respondents : Mrs. Sunita Agarwal
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.

From the submissions made by the learned counsels representing both the sides and after examination of the records in this application, it is not in dispute that a plain paper application was furnished by the applicant within two years time from the date of death of the employee on 07.01.2005. However, the correspondence of the Chief Medical Officer of Health addressed to the Director of Health Services by Memo. 1192 dated 24.03.2011, makes it clear that his proforma application was forwarded on 24.03.2011. Submission of this proforma application after six years from the date of death of the employee is clearly outside the permissible time limit. As per the Scheme guideline, it is the proforma application which has to be furnished and which is considered for examination by the competent authority. The fact of this having submitted a plain paper application is not material. Though the applicant side contested the reason given in the impugned order for rejection of the applicant's application for compassionate employment, but has failed

ORDER SHEET

Form No.

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to furnish a copy of the proforma application. Mr.Manna, learned counsel has been given emphasis to Memo. 4408 dated 08.11.2011 by which Chief Medical Officer of Health had advised the applicant to submit (i) affidavit of no objection from other legal heirs and (ii) another affidavit declaring the applicant will look after members of his family. The incidence of such advice and documents does not help to change the fact that the proforma application was submitted beyond the two years permissible time.

Therefore, the Tribunal having considered all the facts through submissions and the documents is not satisfied that the applicant's prayer in this application has any merit. The respondent authorities were correct in taking such a decision regretting the application of the applicant for an employment under the compassionate ground. Thus, this application is disposed of without passing any orders.

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

BLR