

**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 90 OF 2024**

**RANJIT SAIBYO - Vs - THE STATE OF WEST BENGAL & OTHERS**

Serial No. and  
Date of order

05  
14.05.2025

For the Applicant	:	Ms. Tanuka Basu Advocate
For the State Respondents	:	Mr. Soumendra Narayan Ray 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.

After hearing the submissions of the learned counsels, the Tribunal finds that the core issue in this matter is whether the Notification No. EMP-251 which was published on 03.12.2013 and subsequent Notifications are applicable in this case or not. In this case, when the death of the employee had occurred on 06.05.2010, such Notifications disallowing legal heirs from applying for compassionate employment was not in existence. The contention of the applicant side is that the respondent authorities were incorrect in rejecting this application under the Notification No. EMP-251 which came into force much later than the date of death of the employee and the application made by the applicant.

Ms.T.Basu, learned counsel has relied on the following judgements:

1. Paragraphs No. 44 and 47 from the judgement in 2025 SCC OnLine

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Cal 1375 passed by the Hon'ble High Court of Calcutta in the matter relating to Airports Authority of India and Others Vs. Provash Besai and Another.

2. Paragraphs No 15, 16, 17, 20 and 22 from the judgement in (2015) 7 Supreme Court Cases 412 in the matter relating to Canara Bank and Another Vs. M.Mahesh Kumar.
3. Paragraphs 18, 20 and 21 from the judgement in (2021) 20 Supreme Court Cases 707 in the matter relating to Secretary to Government Department of Education (Primary) and Others Vs. Bheemesh Alias Bheemappa.

Ms.Basu, has submitted that the applicant's application which was submitted in the year 2010 was rejected in the 2023 relying on Notifications which came into force in the year 2013. Further submission made by the applicant side is that, legal heirs of the similar work charged employees were provided employment under compassionate ground by the same State respondents. The names of Ashok Khariya and Sarathi Tamang mentioned in the application as beneficiaries of compassionate employment whose parents were work charged employees under the same establishment.

Mr.S.N.Ray, learned counsel also wishes to file copies of judgements of Hon'ble Apex Court on the next date of hearing.

Let the matter appear under the heading 'Hearing' on 26<sup>th</sup> August, 2025.

BLR

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