

**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 - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No.	For the Applicant	:	None
and Date of order	For the State Respondents	:	Mr. Soumendra Narayan Ray, Learned Advocate

7  
04.09.2025

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.

The prayer in this application is for a direction to the respondent authorities to give an employment under compassionate ground to the applicant.

The Deputy Secretary, Labour Department rejected the prayer of the applicant on 21.12.2022 on the ground that “*there is no provision for compassionate appointment i.r.o. work charged employee .....vide Notification No.251-Emp dated 03.12.2013 read with No.26-Emp dated 01.03.2016.....*”

The father of the applicant, Nagen Saibyo, a Work-Charged Helper in the office of the A.E./S.D.O., Teesta Barrage Sub-Division, died in harness on 06.05.2010. As per the learned advocate for the applicant, the mother applied on a plain paper application for compassionate employment on 17.05.2010. Neither any proforma application nor any Three-Men-Enquiry-cum-Screening Report has been annexed to this application in support of the claim of the applicant. The learned counsel contended that Notification No.251-Emp dated 03.12.2013 and Notification No.26-Emp dated 01.03.2016 do not have any retrospective effect and hence, have no manner of application in this case. In view of various judgements of the Hon'ble High Court and the Hon'ble Supreme Court of India, the rejection order is not tenable and bad in law. It is submitted that though the plain paper application was submitted in the year 2010, it was rejected by the authority in the year 2023. It is also submitted that similarly circumstanced work charged employees were provided employment on compassionate ground by the same State respondents.

After examination of the records the Tribunal comes to the conclusion that though the plain paper application was valid, but the proforma application and Report of the

**ORDER SHEET**

Form No.

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**Vs.**

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Three-Men-Enquiry-cum-Screening Committee are the relevant documents to be verified. In the present case, the Rules governing the scheme under the relevant Notification No.30-Emp, dated 02.04.2008 of the Labour Department required the applicant to furnish the prayer for compassionate employment *“in the prescribed proforma within six months from the date of death of the deceased employee or his retirement on permanent disablement. If no application is submitted within this stipulated period, it will be presumed that the family does not require immediate financial assistance.”*

From the above observations, the Tribunal comes to the conclusion that the respondent authority was not correct in considering a compassionate employment in terms of an irrelevant notification. Therefore, the impugned memo No.2896 dated 17.10.2023 being quashable, is quashed and set aside with a direction to the respondent authority No.3, the Joint Secretary, Irrigation and Waterways Department to reconsider the matter in the light of the above observations of this Tribunal after verification of the records and pass a reasoned and speaking order within three months from the date of communication of this order. Such reasoned order shall be communicated to the applicant within two weeks thereof.

The application is disposed of.

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

SCN.