

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

Mr. Sayeed Ahmed Baba, Officiating Chairperson and Hon'ble Member (A).

Case No. – OA 93 of 2021.

MD. SAMSUDZZOHA - VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

10
29.9.2023

For the Applicant : Mr. G. Halder,
Ld. Advocate.
For the State respondents : Mr. S. N. Ray,
Ld. 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 counsel for the contesting parties, the case is taken up for consideration sitting singly.

The applicant has prayed for setting aside the impugned reasoned order passed by the Secretary, Irrigation and Waterways Department on 14.8.2018 rejecting his prayer for employment under compassionate ground.

The impugned order was passed as per direction of this Tribunal in OA 814 of 2016.

The impugned order after considering in detail all aspects of this application, came to the conclusion that the applicant is not entitled for such compassionate employment primarily for the reason that his father was throughout his service life had worked as a work-charged Khalasi. The respondent order relies on sub clause (f) of Clause 3 of the Notification No. 251-Emp, the relevant part of which is as under :-

“Government employee” for the purpose of this scheme means a

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Government employee appointed on regular basis and not the one working on daily wage or casual or apprentice or ad-hoc or contract or re-employment basis...”.

After hearing the submission of the learned counsels and examining the papers in this application, the Tribunal is of the view that the respondent authority was right in regretting such an application for compassionate employment since the employment derived from his father as the ex-employee was not entitled under the rules. The Notification 251-Emp, the relevant part which is cited above is the appropriate rule which restricts such compassionate employment for the legal heirs of work-charged Khalasi. Since the fact of the employee's father being a work-charged Khalasi has neither been contradicted nor challenged, it remains a fact that the employee's father was a work-charged Khalasi and therefore, his legal heirs are not entitled for any employment under compassionate ground. Accepting the decision of the respondent authority for being on valid grounds, the Tribunal does not see any merit in this application and therefore this application is disposed of without any order.

(SAYEED AHMED BABA)
Officiating Chairperson and Member (A).

Sk.