

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 2024.

SUMAN SAMADDER - VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

03
28.01.2025.

For the Applicant : Ms. A. Shaw,
Learned Advocate.

For the State Respondents : Ms. R. Sarkar,
Mr. S. Debray,
Mr. R. Bag,
Departmental Representatives,
L & L.R. Department.

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.

The prayer of the applicant for appointment under compassionate ground was not accepted by the Respondent Authority on the following two grounds:-

- (i) *“.....the employee has not fully exhausted all kinds of leave with pay including commuted leave*
- (ii) *The employee has completed more than 33 years of service for which she has got full pensionary benefit along with full gratuity....”.*

Submission of Ms. Shaw is that the employee had by a plain paper application dated 18.4.2019 before the first Land Acquisition Collector, Kolkata had prayed for such leave, but was not granted. On examination of this application for leave pointed out by Ms. Shaw, the Tribunal is of the opinion that this appears to be an intimation expressing her physical disability to attend her office. An application for medical leave would have details about her medical issue with dates for the leave applied for and in proper format. The Tribunal is not satisfied that this plain paper application is a leave application. This leads to the point that the Respondent authorities were correct in determining the employee had not fully exhausted all kinds of leave and therefore, in terms of para 6 (b) (ii), the applicant was not found entitled

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for an appointment under compassionate ground.

The other reason relied on by the Respondent authority in regretting the prayer that the applicant's mother, the employee had completed more than thirty-three years of service and received her full pensionary benefits.

Ms. Sarkar points out that in terms of para 6 (b) (i) of the Notification 251-Emp dated 03rd December, 2013, the applicant had received all her pensionary benefits. Therefore, the applicant is not entitled for an appointment under compassionate ground.

Both the reasons given by the Respondent authority is correct in terms of the Rules governing compassionate employment. The applicant's side has also not controverted these two grounds. The only argument forwarded by the applicant's side is that the employee had applied for leave but was not granted. The Tribunal, as noted above, is of the opinion that such application does not appear to be an application for medical leave. In any case, no leave was granted and thus exhausted, as required under the quoted Notification above.

Therefore, not being satisfied with the prayer having any merit, it is disposed of without passing any order.

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

SkG & SM.