

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Administrative Member.

Case No. –OA-933 of 2021

Smt. Bina Halder & Anr. - Versus - The State of West Bengal & Others.

Serial No. and Date of order	For the Applicants	: Mr. P. C. Podder, Advocate.
<u>3</u> 25.04.2022.	For the State Respondents	: Mr. G. P. Banerjee, Advocate.

In the instant application, the applicant's father died on 09.01.2011 and the application for compassionate employment was made on 16.08.2011 which was considered and rejected by the respondents on 20.01.2015. The relevant portion of the order rejecting the application is hereunder :

*"I am directed to refer to your letter No. DESI/8A-622-11/4130 dt. 12.12.14 on the subject mentioned above and to state that the Govt. regrets its inability to entertain the prayer of the applicant Sri Nibir Ranjan Halder, S/o, Late Niranjana Halder, Ex-GDA ESIH Kalyani, for an employment on compassionate ground for the following reasons :-*

- 1) At the time of the death of his father on 09.01.2011 the applicant was only 16 years & 8 months old and adding six months as per Labour Deptt.'s Order No. 251-Emp. Dt. 03.12.2013 as grace period after the death of the deceased employee, he attained the age of 17 years 2 months which does not comply with the para 6 (c) (c) of the new Notification No 251-Emp. Dt. 03.12.2013.*

AND

- 2) After attaining the age of 18 years the applicant applied for compassionate employment in prescribed proforma on 19.06.12 i.e. more than 1 years 5 months after the*

**ORDER SHEET**

Form No.

**Smt. Bina Halder & Anr.**

Case No. **OA-933 of 2021.**

**Vs.**

**The State of West Bengal & Others.**

*death of the Govt. Employee which does not comply with the criteria laid down at para 10(a) of the New Notification No 251-Emp dt. 03.12.13.”*

This application OA-933 of 2021 is regarding reconsideration the reliefs sought for giving compassionate employment on representation dated 05.11.2021.

The learned advocate on behalf of the State submits that this original application has already been disposed of by the respondent on 20.01.2015 with a reasoned order. The applicant had not challenged that reasoned order neither before the State respondents nor before the Tribunal. Instead, through this application seeks a direction to the respondent to give appointment on compassionate ground on the basis of a new representation filed by the applicant before the respondents on 05.11.2021. This has been filed before the Tribunal without challenging the impugned order of the respondent dated 20.01.2015. Thus, the application is liable to be rejected.

After considering all the facts and circumstances and in particular the fact that the applicant did not dispute and came before the Tribunal to challenge the impugned order dated 20.01.2015, I do not find any merit to set aside the impugned order at this late stage.

The OA is dismissed and matter disposed of.

(SAYEED AHMED BABA)  
MEMBER(A)

S.M.

**ORDER SHEET**

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