

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble SAYEED AHMED BABA, Member (A)

	Case No. – OA-936 of 2018
	Subhasish Barman VERSUS – The State of West Bengal & Ors.
Serial No. and Date of order	For the Applicant : Mr. S.K. Mondal, Learned Advocate.
<u>12</u> 26.07.2022	For the State Respondents : Mr. G.P. Banerjee, Learned Advocate.

In this application, the applicant Subhasish Barman has prayed for compassionate employment since his father had died in harness as a constable with Kolkata Police on 26.05.2002. Although the applicant's mother Smt. Renuka Barman was offered such employment but she did not take this offer. Later in the year 2014, she applied on behalf of her son which was considered by the respondents and rejected on the following grounds :-

"On the ground that the applicant was a minor of only 8 and ½ years old at the time of his father's death. Therefore, in view of the Notification 26-Emp dated 01.03.2016, his prayer for compassionate appointment could not be accepted."

In the impugned order, the respondents although rejecting the application of the applicant, but has also offered appointment in favour of the widow provided she is willing and she is physically fit to accept and perform her duty. After offering this, the respondent has asked the mother of the applicant to express her willingness. However, it appears that the mother of the applicant has not till date submitted her response on this offer

of employment to the respondents.

Mr. Banerjee on behalf of the Respondents submits that although such offer was made in the year 2018, till date the applicant's mother has not shown any interest to accept this offer. So far prayer of the applicant is concerned, Mr. Banerjee submits that as per existing rules, since the applicant was a minor at the time of father's death and moreover, the application for employment was made in 2014 which is after 12 (twelve) years from the date of death of the father.

Mr. Mondal refers the 'wording' at that time the in Para 10 (aa) of Notification No. 251-Emp. As per the counsel for the applicant, the very wording makes it very clear that at the time of consideration of his application by the respondent. i.e. in the year 2018, the applicant had attained his majority. Therefore, the impugned order rejecting his application on the ground that he was only 8 ½ years age at the time of his father's death is not a valid reason. Therefore, the application should be considered in the light of the above wording.

sc Mr. Banerjee contends that this Clause i.e. 10 (aa) is applicable only for exceptional case. li) where none in the family is eligible. Mr. Banerjee submits in this case, the eligible person in the family was the mother of the applicant, to whoman employment was offered in 2003 but was not accepted by the applicant's mother. Therefore, the present applicant's case for compassionate employment is not maintainable due to the fact, as mentioned in the impugned order that he was only 8 ½ years old at the time of

his father's death.

After hearing both the learned advocates and considering the facts and circumstances of the case, I am of the view that the impugned order of the respondent rejecting the application on the ground that the applicant was only 8 ½ years at the time of deceased employees death is a valid reason as per the Scheme. The application was made by the applicant when he attained majority in the year 2014, which was a belated application, thus not covered in the Scheme. The offer of employment to the family is a gesture of compassion to mitigate financial hardship by providing an employment assistance. It is not an open-ended scheme offering employment to a family member of the deceased. To get compassionate employment one has to fulfil certain criteria as stipulated in the Notifications from time to time. Thus, prayer for setting aside the impugned order is not maintainable and the respondents were right in rejecting his application on the grounds as stated in the order.

The case is disposed of.

SAYEED AHMED BABA
MEMBER (A)