

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Bikash Bhavan, Salt Lake, Kolkata – 700 091.**

**Present-**

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

**Case No. – OA-945 of 2016**

**Maidas Hembrom VERSUS – The State of West Bengal & Ors.**

Serial No. and Date of order	For the Applicant	:	Mr. D.K. Mukherjee, Learned Advocate.
<u>19</u> 07.06.2022	For the State Respondent	:	Mrs. S. Agarwal, Learned Advocate.

In the instant application, the father of the applicant Budhrai Hembrom was a Resham Karmee in the district of Dakshin Dinajpur who died in harness on 31.12.2003. The applicant had submitted an application for compassionate appointment in due time. The state respondents vide order dated 08.07.2016 by a reasoned order rejecting the claim of the compassionate appointment since this case and other similarly cases, the employees were not in regular establishment. The applicant has challenged the impugned order rejecting his application for compassionate appointment.

Mrs. S. Agarwal appearing for the state respondents has submitted that as a Resham Karmee, the appointment of Suren Mal was not in the regular establishment and as per existing government scheme and orders, any compassionate employment to the legal heirs are not allowed. Hence the respondents has issued reasoned order.

Counsel for the applicant has cited an order dated 24<sup>th</sup> March, 2005 passed by the Assistant Secretary to the Government of West Bengal, Cottage & Small Scale Industries Department which is as follows :-

a)The undersigned is directed by order of the Governor to say that the Governor has been pleased to declare that all 1335 members of casual/seasonal worker, who were absorbed in the Sericulture Directorate in 1996 by creating a new cadre of "Resham Karmee" with the status of Group-D employee in the regular establishment of this Government as regular employee are entitled to the benefits of WBS (DCRB) Rules, 1971 from

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their dates of absorption in regular establishment as Group-D employees. But in no case the casual daily rated service rendered by them prior to their absorption will count for pensionary benefits.

This order issues with the concurrence of Finance Department vide their U.O. No. 919-P (Pension) dated 16.03.2005.

Mr. Mukherjee states that since the Resham Karmees are eligible for pensionary benefits, they are also eligible for compassionate appointment.

After hearing both the parties, matter is adjourned to **25. 07.2022** under the same heading.

SAYEED AHMED BABA  
MEMBER (A)

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