

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

**The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson and Administrative Member**

**Case No. - OA 96 OF 2023**

**PALLABI BANERJEE - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. For the Applicants : Mr. A. Bhattacharyya,  
and Advocate  
Date of order For the State Respondents : None

4  
31.01.2024

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 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under section 5(6) of the Administrative Tribunals Act, 1985.

On consent of the learned counsels for the parties, the case is taken up for consideration sitting singly.

The prayer in this application is for setting aside the impugned order passed by the respondent, the Director of Health Services on 16.09.2022. The reasoned order having considered the application for compassionate employment rejects the same primarily on the ground that the proforma application submitted by the applicant on 19.08.2008 was after a lapse of more than 5 years and 3 months from the date of death of the deceased employee. The deceased employee, mother of the applicant had died on 11.05.2003 while in service working as A.N.M. (Female) in Kurmun BPHC, Purba Burdwan.

Submission of learned counsel is that though her father had applied in a plain paper for such employment on 29.09.2003 on behalf of the applicant within time and this fact was admitted by the respondent, but it was not considered. Submission is that in its report, the First Screening-cum-Enquiry Committee had also recommended her case. Though the applicant is not in a position to present a copy of such plain paper application submitted by her deceased father on 29.09.2003, but it has been admitted by the respondent authorities as mentioned in their reasoned order. Although the applicant applied for a copy of such plain paper application by way of an R.T.I., but no such copy was made available to her. Therefore, in view of the above fact that the applicant's father had submitted a plain paper application within time praying for such an employment on behalf of the applicant, the reason given in rejection that the proforma application was filed after lapse of more than 5 years is not a valid ground. Having admitted the fact that the applicant's side has furnished a plain paper application within time, the authority should have considered this fact and offered such an employment to the applicant.

**ORDER SHEET**

Form No.

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Disagreeing with Mr. Aashutosh Bhattacharyya, Mr. Saurav Bhattacharjee, learned counsel appearing on behalf of Mrs. Sunita Agarwal, learned counsel for the respondents, submits that though it is an admitted fact that a plain paper application was submitted within time, but it was not a valid application for the reason that, firstly, it was submitted by the father of the applicant, not the applicant. Secondly, the applicant at the time of death of her mother was a minor and not eligible for such employment. Thirdly, though the law permits belated submission of the application made after 5 years but only on the condition that if none at that point of time was eligible in the family for such employment. But in this case, the father of the applicant was eligible, but he did not prefer any such application for employment for himself.

Therefore, submission of the proforma application by the applicant after lapse of 5 years and 3 months was not a valid application and therefore, it was not considered because it was submitted beyond the stipulated time.

C.A.V.

(SAYEED AHMED BABA)  
OFFICIATING CHAIRPERSON  
and MEMBER (A)

SCN.

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