

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 991 of 2017.

TAPAS CHAKRABORTY - VERSUS- THE STATE OF WEST BENGAL & OTHERS

Serial No. and
Date of order

23
20.6.2024

For the Applicant : Mr. S.K. Mondal,
Advocate.

For the State Respondents : Mr. S. Ghosh,
Advocate.

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 applicant has prayed for a direction upon the respondents to consider his representation for appointment under compassionate ground. It appears from the submissions of the learned counsels and the application that the deceased employee was a work- charged employee and died in harness on 18.12.2015. Against an application of such employment, the respondent authority finally took the decision by regretting on the ground that the deceased employee was a work-charged employee and cannot be considered for employment on compassionate ground. Although, Mr. Mondal, learned counsel does not deny the fact that the deceased employee was a work- charged employee but relying on an order of the Hon'ble High Court in WPST 170 of 2014 in the matter of Manoj Kumar Mishra, he submits that it is clear now even legal heirs of work- charged employees are entitled for appointment under compassionate ground.

Responding to the submissions of Mr. Mondal, Mr. Ghosh, learned counsel, however, disagrees and relying on a judgement of the Hon'ble Apex Court in (1996) 9 SCC at page 29. A copy of the judgement has been filed and also a copy served upon Mr. Mondal. Mr. Ghosh submits that the legal heirs of such work-charged employees are not entitled for appointment on compassionate ground.

It is not in dispute from the applicant's side that the deceased employee was an employee under work-charged establishment. A work-charged

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employee cannot be equated with that of a regular Government employee in terms of service benefits. The very nomenclature makes a work-charged employee separate and distinct from a regular Government employee. Therefore, work-charged employees cannot claim the same status as a Government employee and thus demand same service benefits.

Hence, the Tribunal does not find the prayer in this application for a direction to the respondent authority to grant him an employment under compassionate ground having any merit. Thus, this application devoids of any merit is disposed of without passing any orders.

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

Sk.