

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. – OA- 991 of 2017

Tapas Chakraborty VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order For the Applicant : Mr. S.K. Mondal,
Learned Advocate.

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

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25.08.2023

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.

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

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.

Let the matter appear under the heading Further Hearing on **28.03.2024**.

SAYEED AHMED BABA
OFFICIATING CHAIRPERSON & MEMBER(A)

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