

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

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

**Present-**

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

	<b>Case No. –</b>	<b><u>OA-999 of 2018</u></b>
	<b>Milan Lohar</b>	<b>VERSUS – The State of West Bengal &amp; Ors.</b>
Serial No. and Date of order	For the Applicant	: Mr. K. Deo Das, Learned Advocate.
<u>25</u> 28.07.2022	For the State Respondents	: Mr. S.Ghosh Learned Advocate.

In this application, the applicant prays for setting aside the impugned order dated 25.09.2018 and directing the respondents to appoint the applicant under the compassionate employment Scheme. The deceased employee was a Krishi Shramik who died in harness on 06.03.2007. At the time of father's death, the applicant was a minor along with a sister who was also a minor. After attaining majority, the applicant had submitted an application which was duly forwarded to the Addl. Director of Agriculture by the Dy. Director of Agriculture on 08.08.2014. The application was considered by the respondent and rejected on the ground that the application for compassionate employment was made after more than two years from the date of death of the deceased employee, which according to the Labour Department Notification 26-Emp is not permissible.

Learned advocate for the applicant submits that since the applicant was a minor at the time of his father's death and thus not eligible, therefore, he waited till he became an adult and applied for compassionate employment.

Learned advocate for the applicant submits that respondent may be directed to re-consider their decision.

Mr. Ghosh appearing on behalf of the respondent submits that it is very clear that such an application for compassionate employment was made after more than two years from the date of death of the deceased employee. The application is not maintainable and should be disposed of.

After hearing both the learned advocates and considering the facts and circumstances of the case, I am of the view that there is merit and as per Rule the decision was taken by the respondent in rejecting his application on the ground that the application for compassionate employment was made after more than two years. Therefore, no order is passed. Accordingly, OA is disposed of.

SAYEED AHMED BABA  
MEMBER (A)