

**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-243 of 2023**

**Chandan Kumar Dana. -- VERSUS – The State of West Bengal & Others.**

Serial No. and  
Date of order

For the Applicant

: Mrs. Sonali Mitra,  
Learned counsel.

08  
15.05.2025

For the State Respondents

: Mr. Shaon Bhattacharya,  
Learned counsel.

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.

In this application, the applicant has prayed for setting aside the impugned order of the respondent dated 12.09.2022. By this Memo. 324 dated 12.09.2022, the Joint Secretary, Public Works Department communicated the decision to the Superintending Engineer, Western Highway Circle-I, Public Works (Roads) Directorate rejecting the prayer for an employment under compassionate ground. The primary reason was that the applicant's father, Sanjoy Kumar Dana, a Roller Driver worked under work charged establishment and therefore, such compassionate employment was not entitled to the applicant as a legal heir of the deceased employee.

The applicant himself in his application has admitted that his father was a work charged staff as a Roller Driver who died on 16.09.2014 while in service.

As stated above, although the applicant admits that his father, the deceased employee was a work charged employee and not under regular establishment but finds the ground of rejection as “absolutely vague and non-sustainable in the eyes of law”.

After examining the records, the Tribunal has come to this conclusion that the prayers of the applicant for setting aside the impugned Memo. 324 dated 12.09.2022 does not have any merit. It has been accepted by the

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applicant that his father, the deceased employee was a work charged employee but being aware of this fact, it is also observed that such nature of engagement was never challenged by the employee himself during his service lifetime. The Tribunal finds the ground taken for rejection was very much within the ambit of law and such employment under compassionate ground governed under Notification No. 251-Emp. dated 03.12.2013 and 26-Emp. dated 01.03.2016 does not entitle any legal heir of work charged employee for employment under compassionate ground. Thus, the prayers in this application, devoid of any merit, are disposed of without passing any orders.

SAYEED AHMED BABA  
Officiating Chairperson & Member (A)

S.M.