

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-295 of 2018

Sourov Dey. -- VERSUS – The State of West Bengal & Others.

Serial No. and
Date of order

For the Applicant

: Mr. G. Halder,
Learned counsel.

27
15.05.2025

For the State Respondents

: Mr. G. P. Banerjee,
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 23rd November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

The prayer in this application is for setting aside the impugned Memo. No. 305 dated 13.03.2018. By this Memo. the Superintendent of Police, Jalpaiguri informed the applicant that his prayer for an appointment under compassionate ground was regretted by the competent authority in the Government. The relevant paragraph is as follows :-

“(i) It appears that the candidate has not fulfilled the required conditions as laid down in the said Notifications for being eligible to be considered for appointment under exempted category. Accordingly, I am directed to state that the Government regrets its inability to consider the case for appointment under the exempted category in the light of the guideline contained in Notification No. 251-Emp dated 03.12.2013 of Labour department read with subsequent amendments.”

The father of the applicant, Rabindra Chandra Dey, a Head Constable with Jalpaiguri Police died while in service on 08.08.2002. Although, there is no acknowledgement of receipt but it appears from a copy of the proforma application that such an application was submitted on 12.03.2010. As per the statement in the proforma, the date of birth of the applicant is 16.07.1991, which means that he was a minor at the time of death of his father. It is also apparent from the date of submission of the proforma

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application that such an application was submitted after more than seven years from the date of death of his father on 08.08.2002. It is, therefore, obvious from the above facts that not only the applicant was minor at the time of death of his father but such an application was furnished by him long after the permissible time limit of two years from the date of death of the deceased employee.

The reply filed by the State's side also clearly states the reasons why the prayer of the applicant was not admissible and therefore, not considered on the above grounds. The applicant's side though received a copy of the reply did not file any rejoinder.

In view of the above observations, it is clear that the applicant was not eligible for an appointment under compassionate ground on basis of above reasons. Thus, this Tribunal does not find any merit in the prayers of this application and therefore, it is disposed of without passing any orders.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

S.M.