

ORDER SHEET

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 – 18 of 2024

Ravi Das - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr. S. Ghosh, Learned Advocate
4 24.04.2025	For the Respondents	: Mrs. S. Agarwal, Learned Advocate

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638 – WBAT / 2J-15/2016 dated 23rd November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

Mrs. Agarwal presented the original documents relating to the application of the applicant. In the documents, the original application shows the date of 20.11.2018 being struck by pen and 12.05.2016 added. This striking and adding a new date does not bear any signature. But the signature of the permanent Government employee signed here by one Chandana Prasad shows 08.11.2018 as the date in the proforma. Similarly, the passport photograph of Ravi Das, the applicant also bears a date showing 24.03.2018.

Mr. Ghosh insists that the applicant had submitted his plain paper application and also the proforma. From Memo 9448 dated 10.11.2016, it also reveals that the applicant had applied for a compassionate employment in a proforma application. This correspondence in Memo 9448 dated 10.11.2016 of Deputy Superintendent, NRS Hospital informs Ravi Das, the applicant that since his application is 'insufficient' he was required to attend along with relevant documents on 28.11.2016.

From the submissions of the learned counsels and the records examined, the Tribunal finds that after the death of the deceased employee on 12.03.2016, an application was furnished before the respondent authorities by the applicant within the permissible time. But the proforma application submitted was not found complete and therefore, the applicant was advised to resubmit the proforma application along with other documents. The Memo 13935 dated 31.10.2018 of the Medical Superintendent advises the applicant to submit the required documents at the earliest possible time. This letter to the applicant appears to be a reminder for submission of the documents.

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A copy of the applicant's letter addressed to the Medical Superintendent shows that such relevant documents were submitted by him on 07.12.2018.

The core issue before this Tribunal is whether the date of submission of an incomplete proforma application is a valid application or should the date of submission of the complete proforma application be the date to decide whether such application was made within the admissible time of two years from the date of death of the employee.

Having heard the submissions from the sides and having examined the original documents minutely, the Tribunal has come to this conclusion that the proforma application submitted by the applicant was incomplete. Accordingly, he was advised to re-submit. Another fact also emerged that certain relevant documents required were also wanting. Due to incomplete proforma application and insufficient documents, the respondent authority, particularly the MSVP, NRS Medical College & Hospital was not in a position to submit a complete proposal to the Directorate. The onus of submitting a complete proforma with relevant annexures squarely lies with the applicant. It was due to his failure that a complete and proper proposal could not be submitted on time. Hence, for such latches the applicant himself has to be blamed. The respondent authorities cannot be faulted for rejection of his prayer for an appointment under compassionate ground. Thus, finding no merit in the prayers, this application is disposed of without passing any orders.

The original file of the Department be returned.

SAYEED AHMED BABA
OFFICIATING CHAIRPERSON & MEMBER(A)

A.K.P.