

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson and Administrative Member

Case No. - OA 329 OF 2024

JHUMA MAJHI & ANOTHER - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No.

and

Date of
order

For the Applicants

: None

For the State Respondents

: Mr. Sankha Ghosh,
Learned Advocate

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04.04.2025

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 a direction to the respondent authority to give an employment under compassionate ground by setting aside the rejection order passed in memo No.1871 dated 15.03.2023 by the Deputy Secretary, Fire & Emergency Services Department.

The father of the applicant, Anil Baran Majhi @ Anil Majhi, while working as Fire Operator in Arambagh Fire Station, died on 19.11.2013. As per the learned advocate for the applicant, soon after the death of the employee, the widow, Jhuma Majhi submitted a plain paper application on 10.03.2014 for compassionate employment on behalf of her son, the applicant No.2, Jayanta Majhi, who was a minor of 12 years at the time of death of the government employee. The legal heirs of the employee jointly affirmed an affidavit stating that they have no objection in the compassionate appointment in favour of the applicant. The Deputy Secretary, Fire & Emergency Services Department, the respondent No.2 considered the proposal and rejected the same on the ground that the applicant was only 12 years old at the time of death of the government employee on 19.11.2013. Further, the records in this application do not show if the proforma application was furnished by the applicant within two years from the date of death of the employee in terms of Rule 10(b) of Notification 26-Emp dated 01.03.2016.

From the above observations, the Tribunal comes to the conclusion that since at the time of death of the government employee, on 19.11.2013 the applicant was a minor of only 12 years old, he is not entitled for employment under compassionate

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ground. The respondent authority was correct in rejecting prayer of the applicant. The impugned memo No.1871 dated 15.03.2023 was valid and very much within the framework of the guidelines. Thus, finding no merit in this application, it is disposed of without passing any orders.

SCN.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON
and MEMBER (A)

WEST BENGAL ADMINISTRATIVE TRIBUNAL