

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 340 OF 2023

NIREN ROY - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	:	Mrs. Sunita Agarwal, Learned Advocate
	For the State Respondents	:	Mr. Manujendra Narayan Roy, 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 primary prayer in this original application is for a direction to the respondent authority to give an employment under compassionate ground. By way of filing supplementary application, the applicant prayed for a direction to the respondent authority to cancel / rescind and/or withdraw the rejection order vide memo No.2926 dated 03.08.2025 and to re-visit the prayer of the applicant.

The father of the applicant, Gerguru Roy, who worked as a Sweeper (Group D) in Ambari Falakata Sericulture Project, Jalpaiguri, died on 23.02.2005. As per the learned advocate for the applicant, soon after the death of the employee, the widow, Pusuni Roy submitted a plain paper application on 10.04.2005 for compassionate employment on behalf of her younger son, the applicant, Niren Roy. The proforma application was submitted on 29.07.2008, which is three years after the death of the government employee. The applicant submitted another proforma on 15.09.2015. The legal heirs of the employee jointly affirmed an affidavit before the Executive Magistrate stating that they have no objection in the compassionate appointment in favour of the applicant. The respondent No.2 (iv), the Additional Secretary, Agriculture Department considered the proposal and rejected the same on the ground that the Proforma application was submitted more than three years after the death of the government employee.

In terms of para 10(a) of Notification 26-Emp dated 01.03.2016, the application for employment was to be submitted within two years from the date of death of the government employee and 10 (b) requires such submission in the prescribed proforma. In this case the proforma application for compassionate employment was submitted on 29.07.2008, three years after the death of the government employee.

ORDER SHEET

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From the above observations, the Tribunal comes to the conclusion that the respondent authority was correct in not considering a compassionate employment on behalf of the applicant. The ground of such rejection given in the impugned memo No.2926 dated 03.08.2023 was valid and very much within the framework of the guidelines laid down for employment under compassionate ground. Thus, finding no merit in this application, it is disposed without passing any orders.

SCN.

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

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