

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 – 59 of 2024

Prabir Biswas - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order <u>4</u> 07.03.2025	For the Applicant	: None.
	For the Respondents	: Mr. G.P. Banerjee, Mr. Shaon Bhattacharjee, Learned Advocates.

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.

The applicant by filing this application has prayed for a direction to the respondent authorities to issue him an appointment letter under compassionate ground after cancelling the impugned order dated 01.09.2023.

From the submissions of the learned counsels representing both the sides and records in this application, it transpires that his mother, a Government employee retired premature due to incapacitation. She had prayed for an employment under compassionate ground for her son, the present applicant. Her application along with supporting documents was submitted before the Department. The Department after considering the proposal observed that the applicant had crossed the age of 49 years and thus not eligible for such an appointment. The impugned order relied on West Bengal Services (Group – D post) Recruitment Rules, 2009, which stipulates that “the age of the candidate shall not be less than 18 years (after amendment) and more than 40 years”.

Smt. Namita Biswas, the mother had retired due to permanent incapacitation from the post of Peon with effect from 20.10.2011. The date of birth of the applicant being 07.07.1974 stood at 49 years old at that time of consideration of his application by the Department in its Memo 347 dated 01.09.2023.

Having examined the matter properly, the Tribunal has come to this finding that although a legal heir of the employee, Namita Biswas was entitled for an employment under compassionate ground but the fact remains and not disputed is that the applicant,

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Prabir Biswas had over aged and in terms of relevant rules thus not entitled to be offered an employment under compassionate ground. The Tribunal does not find any illegality in the decision taken by the Joint Secretary on behalf of the Department. Thus, the prayer in this application, devoid of any merit, is disposed of without passing any orders.

SAYEED AHMED BABA
OFFICIATING CHAIRPERSON & MEMBER(A)

A.K.P.