

ORDER SHEET

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 781 OF 2023

SHIBU BASFORE - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. For the Applicant : Ms. S. Mukhopadhyay,
and Advocate

Date of order For the State Respondents : Mrs. S. Agarwal,
Advocate

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29.04.2024

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.

On consent of the learned counsels for the parties, the case is taken up for consideration sitting singly.

The prayer in this application is for a direction to the respondent authority to issue appointment letter in favour of the applicant in the post of Group C or any other suitable post on compassionate ground due to demise of Naresh Basfore, the deceased government employee, who died on 31.10.2009 while working as Sweeper at Netaji Subhas Sanatorium, Kalyani.

It appears from record that by an order dated 28.08.2023, the Additional Director & Ex-Officio Special Commissioner rejected the application for employment on compassionate ground, the relevant portion of which is as under:

“Late Naresh Basfore, Ex-Sweeper expired on 31.10.2009 leaving two minor sons aged 15 years and 12 years respectively... .. His first time prayer on proforma is on 16.11.2017 which is delayed by 8 years (approx) from the death of ex-employee. According to clause 10(aa) of 26-EMP-in exceptional cases where none in family is eligible, the applicant can apply his prayer upto 5 years delay. Here the applicant applied 8 yrs delay from the death of ex employee and 6 years delay from the age of 18 of the applicant whose 18 years completed on 12.05.2012.”

It appears from the submissions that out of four siblings, two were married daughters and the applicant was the elder son aged 15 years at the time of death of his father. Since none was eligible in the family for such employment, the benefit of clause 10(aa) of 26-EMP could have been availed which gives 5 years time for the family member to apply for such employment. The applicant could have submitted the proforma application within 31.10.2014. By 2014, the applicant had also attained the age of employment. But no such proforma

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application was submitted by him. He submitted such a proforma application on 16.11.2017 which was after a delay of 8 years.

Having heard the submissions, the Tribunal finds that the reasons given by the respondent authority in declining the application for compassionate employment was correct and as per Rules governing compassionate employment. The application has no merit and the reasoned order passed by the respondent is valid. Hence, no order is passed in this application. The application is disposed of.

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

SCN.

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