

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 1018 of 2017**

**Pathik Banerjee & Another -- VERSUS – The State of West Bengal & Ors.**

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|---------------------------------|--------------------------|-----------------------------------|
| Serial No. and<br>Date of order | For the Applicants       | : Md. Majnu Sk.,<br>Ld. Advocate. |
|                                 | For the State respondent | : Mr. S. N. Ray,<br>Ld. Advocate. |
| <u>20</u><br>16.05.2024         |                          |                                   |

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 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

Swapan Banerjee while in service as Assistant Operator died on 17.06.2011, the applicant being his brother furnished a plain paper application before the Block Development Officer, Tehatta-I Block on 06.07.2011 praying for an employment under compassionate ground. By Memo no. 2780 dated 08.11.2013, the Block Development Officer, Tehatta-I Block forward the application to the Assistant Engineer, Tehatta Sub-Division.

Submission of Md. Majnu Sk. is that despite such lapse of time, the respondent authority has not considered the applicants' application and prays for a direction to consider his application at the earliest. The reply of the State respondents refers to Clause 3 of the Notification No. 251-Emp. dated 03.12.2013 defining members of the family of the deceased employee who are eligible for compassionate employment. On examination of this Notification No. 251-Emp. dated 03.12.2013 appearing at Clause 3(e) which is "brother or sister in case of death in harness of an unmarried employee" gives a clear impression that such siblings are eligible only if the deceased employee was unmarried. From the admission of the application and submissions of the learned counsels, it is clear that the deceased employee Swapan Banerjee was a married person. The fact that the deceased employee was married person has not been contradicted by the applicants in the rejoinder. Submission is that since Mr. Pathik Banerjee is the only male member after the death of his brother and responsible for looking after other members of the family, a compassionate employment will help the family of the deceased employee.

Mr. Ray submits that such prayer from the applicants being brother of the deceased employee who was a married person is not admissible under the

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rules administering the employment on compassionate ground.

Having heard the submissions of the learned counsels, it is clear to this Tribunal that the prayer for compassionate employment is not admissible solely on the reason that Swapan Banerjee, the deceased employee was a married person, therefore, the applicant being his brother under the relevant Clause 3(e) of Notification No. 251-Emp. dated 03.12.2013 is not entitled and therefore, his application was not a valid application.

Finding no merit in the prayer of this application, this application is **disposed of** without passing any order.

**SAYEED AHMED BABA**  
**Officiating Chairperson & Member (A)**

CSM/SS