

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-29 of 2023

Sadhan Murmu -- **VERSUS** – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mrs. S. Agarwal,
Ld. Advocate.

For the State Respondents : Mr. S. Ghosh,
Ld. Advocate.

09

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

By filing this application, the applicant has prayed for setting aside the impugned order passed by the Principal Secretary, Department of Agriculture on 22.09.2022. In terms of a direction of this Tribunal in OA 57 of 2022, such reasoned order was passed for considering the application of the applicant for an employment on compassionate ground. The father of the applicant was a field labourer and while rendering service died on 07.01.2001. Though one of his sisters appears to have submitted a plain paper application within the stipulated time but such application later became invalid due to her marriage. As per admission of the applicant himself, he had submitted the proforma application on 31.05.2019. A copy of the plain paper application submitted on 29.08.2006 has also been presented as proof of making the application before the Agriculture Development Officer, Sisal Plantation Farm, Rajnagar, Birbhum. After examining the dates of the application submitted by the applicant, the respondent authority came to the conclusion that such applications were furnished much later than the stipulated time as notified in the relevant government orders.

Having examined the records in this application and having heard the counsels, the Tribunal finds that the dates mentioned in the impugned order are not being disputed by the applicant's side. Therefore, it is safe to record that after the death of the deceased employee on 07.01.2001, the first application, even it was on plain paper was submitted by the applicant on 29.08.2006, after a gap of 5 years, 7 months and 22 days. Though the Rule considers only proforma application as a valid application but such proforma application was submitted on 31.05.2019, which is after 18 years, 4 months and 24 days from

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the date of death of his father, the deceased employee. The Rules governing the compassionate employee, and in particular the provisions allowing time for submission of such application is given in 10 (a) of the amended Notification No. 251-Emp. The relevant lines of this clause is as under:

“If the family of a deceased employee is in need of financial assistance and the same is absolutely necessary to support the family, application for employment is to be submitted within 2 years from the date of death of the deceased employee.”

“If no application is submitted within the said period, it will be presumed that the family does not require in financial assistance.”

Having given a time limit of 2 years, the amended Notification No. 251-EMP in 10 (aa) also gives further relaxation upto 5 years for those cases in which (i) death during action and (ii) where none in the family is eligible. This relaxation of submitting application upto 5 years however, does not appear to be applicable in the case of this applicant for the reason that he and his family does not seem to fall under the two conditions.

Now, having examined the matter in detail, the Tribunal is of the finding that the application for employment under compassionate ground was not admissible for the reasons as noted in the foregoing paragraph. A delay of more than 5 years for submitting the plain paper application and a delay of more than 18 years in submitting the proforma application is inexplicable and the same has not been explained also by the applicant in his application. The sister of the applicant, Kalomoni Murmu had applied within the time limit but it was her application not of Sadhan Murmu, the present applicant.

Therefore, finding no merit in this application, the Tribunal **disposes of** the same without passing any orders.

CSM

SAYEED AHMED BABA
Officiating Chairperson & Member (A)