

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

Mr. Sayeed Ahmed Baba, Officiating Chairperson and Hon'ble Member (A).

Case No. – OA 337 of 2017.

BUDDHADEB PAUL- VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

24
25.4.2024

For the Applicant : Mrs. S. Mitra,
Advocate.
For the State Respondents : Mr.G.P. Banerjee,
Advocate.

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 counsel for the contesting parties, the case is taken up for consideration sitting singly.

By a memo dated 02.07.2009, the Chief Medical Officer of Health, Murshidabad informed the applicant regarding rejection of his application for employment on compassionate ground. Such rejection was on the ground that “immediate financial assistance” was not necessary since he had already received the death benefits arising out of the death of the deceased employee, Sunil Kumar Paul.

Aggrieved by such decision this application was filed in this Tribunal in the year 2017. In support of the decision taken by the respondent authority, Mr. Banerjee refers to the reply of the respondent and submits that as per Notification No. 30-Emp dated 02.04.2008, the respondent authorities after consideration came to the conclusion that the applicant was not in need of immediate financial assistance. Therefore, the application for compassionate employment was not agreed upon.

In response, Mrs. Mitra, learned counsel argues that the impugned memo stated only that such immediate financial need does not exist without elaborating on any details of the family's financial situation. As per the same Notification No. 30-Emp, the respondent authorities were required to assess whether the family's monthly income had fallen below 80% of the gross monthly salary last

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drawn by the deceased employee. She submits that no such exercise or evaluation was done by the respondents, rather they jumped to the conclusion and decided that the family was not in any financial or economic support. Such action on the part of the respondent was not only arbitrary, but was incomplete disregard to the natural justice the applicant deserved.

Apart from the lack of immediate financial assistance as a reason for rejection, Mr. Banerjee also submits that this application is barred by limitation as it was filed in this Tribunal after a long gap of eight years from the day the impugned reference was communicated to the applicant in 2009.

After hearing the submissions of the learned counsels and examining the records, the Tribunal finds that though the impugned rejection order did not elaborate on the financial details, but the reasons for the delay in filing this application after a long lapse of eight years has not been explained by the applicant, neither in the application nor in the rejoinder. The reasoned order was communicated to the applicant on 02.07.2009 and the application was filed challenging it only in 2017. Neither any mention nor any reason has been given in the application for such delay nor prayed for condonation of such delay.

Therefore, finding this application barred by limitation, it is disposed of without passing any order.

(SAYEED AHMED BABA)
Officiating Chairperson and Member (A).

Skg.