

**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 484 of 2024**

**Tanay Mandal & Anr. -- VERSUS – The State of West Bengal & Ors.**

Serial No. and Date of order	For the Applicants	: Mr. G. P. Banerjee, Ld. Advocate.
<u>03</u> 21.03.2025	For the State Respondents	: Mr. M. N. Roy, Ld. 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 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

By filing this application, a prayer has been made for setting aside the impugned memo dated 09.09.2024. By this Memo, the Respondent authorities conveyed their decision regretting compassionate employment for the applicant. Tanay Mandal, the applicant being the son of the deceased employee, Tapan Mandal had applied for such an employment.

Late Tapan Mandal, father of the applicant had died on 02.10.1992 while serving as a Constable under Uttar Dinajpur Police. Jharna Mandal, the widow and mother of the applicant furnished an application praying for a compassionate employment for herself within the permissible time on 15.02.1993. Since there was long delay on part of the respondent authorities to consider her application, Jharna Mandal furnished another application on 22.06.2006, now praying for such an employment in favour on her son, Tanay Mandal instead of her. The applicant who was a minor at the time of death of his father had now attained the age of employment. A Three Men Enquiry Committee was formed on 21.08.2002 and after completion of such enquiry submitted its report dated 01.12.2009 by recommending an employment under compassionate ground to the applicant. The competent authority in the Department of Home and Hill Affairs took the final decision and on 09.09.2024 informed the Director General and Inspector General of Police, West Bengal regretting such a proposal on the following primary grounds :

- 1) That the applicant could not attend the age of Government service within the stipulated period of two years from the date of death of the deceased

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employee and

- 2) The criteria for immediate financial needs from the family has not been proved.

It is not in dispute that the applicant was a minor at the time of death of the employee and remained a minor even after two years. Although Jharna Mandal, the mother had applied for herself on time but later withdrew her own application in favour of son, the present applicant. By such action, her application became void and it also did not help the application of the applicant to be counted from the date her mother had applied. It is also a fact that, had the respondent authorities showed more promptness and considered her application within a reasonable period of time, such necessity of withdrawing her application mid stream and resubmitting it in the name of her son would not have been necessary. Nevertheless, the fact remains that the applicant was not eligible for such an employment due to the main reason that he was a minor at the time of death of his father. In the guidelines of the Scheme, it is clear that a minor applicant would not be eligible to apply for an appointment under compassionate ground. The Tribunal cannot disagree with the decision taken by the respondent authority in regretting his application on the ground as mentioned above.

Thus, the prayer in this application, devoid of any merit, is disposed of without passing any order.

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

H.S.