

**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 515 OF 2023**

**BUDHU TURI – VERSUS- THE STATE OF WEST BENGAL & ORS.**

Serial No. For the Applicant : Mrs. Sonali Mitra,  
and Advocates  
Date of For the State Respondents : Mr. S. K. Mandal,  
order Advocate

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02.05.2024

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.

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

The applicant has filed this application praying for setting aside the impugned Memo 25 dated 11.01.2023. This correspondence from the Department informs the Superintending Engineer that the proposal for an employment under compassionate ground applied by the applicant is regretted. Such a proposal was regretted primarily on two grounds :-

- i) That the family does not require any financial assistance;
- ii) The proforma application was submitted on 02.02.2018 was after lapse of more than two years from the date of death of the deceased government employee.

Asharu Turi, the father of the applicant had died on 03.11.2015 working as a Gang Majdoor attached to the office of the National Highway Division-VII, Public Works (Roads) Directorate. As submitted by the learned counsel for the applicant and referred to a copy, the applicant had submitted this plain paper application on 02.03.2016 before the Executive Engineer, National Highway Division-VII. Later on 02.02.2018, the proforma application was also submitted before the respondent authorities. Submission on behalf of the applicant was that since the family was in acute financial condition after the death of his father, an employment under compassionate ground became a necessity. Thus, he applied and hope for such an employment. Though, a plain paper application was submitted and was received by the office of the respondent authority but the impugned rejection order fails to mention this important fact. Reference was made to Clause 10 (bb) of 26-Emp added to Notification 251-Emp which states that it was the responsibility of the respondent authority to help and guide

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the family members of the deceased employee in completing the formalities for compassionate employment. But none from the respondent authority ever came to extend such a help to the applicant and his family. Being a resident of rural Bengal and not familiar with the rules, the applicant required such a guidance which was not provided. The applicant's side also refuted the contention of the respondent authority that the family was not in need of any financial assistance. As submitted, the gross monthly income of the family falls far short of the required 90% of the gross salary last drawn by the deceased employee.

Having heard the learned counsels for the parties and after examination of the documents, the Tribunal observed that such application as stipulated in the Notification 251-Emp and 26-Emp was to be submitted in the prescribed proforma within two years from the date of death of the deceased employee. In this case, the employee had died on 03.11.2015 and the applicant submitted the proforma application on 02.02.2018 after a lapse of more than two years. The fact that the applicant had submitted a plain paper application within the stipulated time does not have any merit as such an application was not a valid application. The only application valid and admissible for consideration is the prescribed proforma application which was required to be submitted within two years from the date of death of the employee.

In view of the above observations, the Tribunal has come to the conclusion that this application for compassionate employment has no merit and the reasoned order passed by the respondent on 11.01.2023 was correct and backed by legal provisions. Hence, no order is passed in this application. The application is disposed of.

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

SCN.