

**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 527 OF 2024**

**SURAJ KUMAR SINGH & ANOTHER -Vs- THE STATE OF WEST BENGAL & OTHERS.**

Serial No. and

Date of order

03

11.06.2025

For the Applicants

:

Mr. Goutam Pathak Banerjee  
Advocate

For the State Respondents

:

Mrs. Sonali Mitra  
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.

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

By filing this application, the applicant has prayed for setting aside the impugned Memo. No. G-217/ 2015 dated 02.05.2024. By this impugned order, the Department of Health and Family Welfare turned down the prayer of the applicant for an appointment under compassionate ground. The primary reason for such rejection was that the applicant as son of the deceased employee was only 14 years and 3 months old at the time of death of the employee. In short, he being a minor at that point of time was not entitled for an appointment under compassionate ground.

Having heard the submissions of the learned counsels and after proper examination of the impugned order, the Tribunal finds that although the ground for such rejection of being a minor was a correct ground, but their reliance on clause 6 (c) (c) of 251-Emp dated 03.12.2013 was incorrect. The respondent authorities, perhaps, were not aware of the fact that this particular section - 6 (c) (c) of Notification 251-Emp was deleted by an amendment under Notification 26-Emp

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dated 01.03.2016. Therefore, relying on a provision which does not exist anymore and also not at the time of considering this matter, the respondent authorities made an erroneous decision. Therefore, the Tribunal is of the view that the respondent authorities were wrong in rejecting the application by relying on a sub-section of the Notification which at the time of taking the decision did not exist.

In view of the above findings of this Tribunal, the impugned order No. G-217/2015 dated 02.05.2024 being non est in the eye of law is quashed and set aside with a direction to the respondent No. 2, the Director of Health Services to reconsider the matter in the light of relevant Notification and take a final decision by passing a reasoned order within three months from the date of communication of this order. The application is disposed of.

**(SAYEED AHMED BABA)**  
**OFFICIATING CHAIRPERSON AND MEMBER (A)**

BLR