

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 – 677 of 2023

Shilpi Sarkar - Vs - The State of West Bengal & Ors.

Serial No. and

Date of order

07
10.07.2025

For the Applicant : Mrs. Snigdha Saha,
Learned Advocate.

For the State : Mr. S.Ghosh
Respondents Learned 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.

The applicant has prayed for a direction upon the respondent authorities to issue an appointment letter under compassionate ground in her favour. The facts of this case in brief is that her father, Late Subir Kumar Sarkar was a Fire Operator under the West Bengal Fire & Emergency Services who had died in service on 13.08.2001. Maya Sarkar, the widow had applied for such an employment under compassionate ground. A copy of Memo 6325 dated 08.10.2007, shows that Director General, West Bengal Fire & Emergency Services informed the applicant's mother, that she has been provisionally selected for the post of Lower Division Clerk. The formalities of Police Verification Roll and Medical Examination were to be completed thereafter. However, Maya Sarkar who was offered an employment under compassionate ground decided that such an employment will be more beneficial for her daughter, Shilpi Sarkar and furnished a

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prayer on 28.11.2007 before the Director General praying for change of the appointment in favour of her daughter. Such request was followed by reminders to the Director General in later years. The Director General vide his letter dated 06.12.2013, forwarded her prayer before the Principal Secretary of the Deptt. for taking a decision. The Deptt. referred the matter for views of the Labour Deptt. on 04.08.2015. The Labour Deptt. responded with its opinion that “*employment on compassionate ground cannot be transferred to any other person*”.

Having heard the submissions and perusing the documents, the Tribunal has come to this conclusion that her prayers are devoid of any merit. An employment on compassionate ground is not a vested right of the family who cannot consider it as a trial and error. The rules governing the Scheme does not allow transfer of such an employment to another family member. The respondent authorities correctly took this decision in regretting such an appointment in favour of the daughter as a transfer case. Thus, the prayers, being devoid of any merit, this application is disposed of without passing any orders.

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

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