

**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 76 of 2023**

**Sanjoy Soren -- VERSUS – The State of West Bengal & Ors.**

Serial No. and  
Date of order

For the Applicant : Mrs. S. Agarwal,  
Ld. Advocate.  
For the State respondent : Mr. S.K. Mondal,  
Ld. Advocate.

06

16.05.2024

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

Mrs. Agarwal, learned counsel submits that impugned order rejecting the prayer of the applicant for employment under compassionate ground is not tenable under the law. The impugned order passed on 24.11.2022 by the Department of Agriculture had rejected the application of the applicant for compassionate employment on the ground that he had not attended the minimum age at the time of consideration. The impugned order is as follows :-

a) *“the instant case is found unfit for offering an employment on Compassionate ground as the applicant, Sanjoy Soren, son of the deceased employee did not attain the minimum age (date of birth being 07.11.1998) during the time of consideration.”*

Mrs. Agarwal submits that the impugned order was wrong in stating that the applicant had not attained the minimum age at the time of consideration. The date of birth of the applicant being 07.11.1998 had attained the required age at the time of consideration - 24.11.2022. Submission is that the applicant was around 24 years at the time of consideration of his application. The new Clause 10 (aa) of 26-Emp added to Notification 251-Emp has the following words :-

*“The dependant member himself invariably attends the minimum age of at the time of consideration.”*

Mr. Mondal, learned counsel submits that perhaps the respondent

Form No.

Case No. **OA 76 of 2023**

---

**Vs.**

The State of West Bengal & Ors.

---

authority erroneously used the words during the “time of consideration” as prescribed in the revised provision Clause 10 (aa).

Having heard the submissions of the learned counsels and on examination of the records, it is findings of this Tribunal that the impugned memo dated 24.11.2022 had rejected the prayer for compassionate employment on an un-tenable ground. The reasoned order found that the applicant had not attended the minimum age during the time of consideration. The applicant was born on 07.11.1998 and the impugned memo considering his application for compassionate employment was passed on 24.11.2022. From these two dates, it is evident that on the date of consideration of his application, the applicant was 24 years and 17 days old. Findings the impugned reference rejecting the prayer for compassionate employment on a very erroneous ground, the Tribunal is compelled to quash and set it aside. Therefore, the impugned memo dated 24.11.2022 relying on an invalid ground is set aside with a direction to the respondent no. 2, Principal Secretary, Department of Agriculture to re-consider the application of the applicant for employment on compassionate ground and pass a fresh reasoned and speaking order within three months from the date of communication of this direction. Such reasoned order be communicated to the applicant within two weeks thereof.

Accordingly, the application is **disposed of**.

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

HS