

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble SAYEED AHMED BABA, Member (A)

Case No. – OA-923 of 2021

Sukanta Ganguly VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicant	:	Mrs. A.P. Banerjee, Learned Advocate,
<u>03</u> 28.06.2022	For the State Respondent	:	Mrs. S. Mitra, Learned Advocate.

In this application, the applicant Sukanta Ganguly has prayed for setting aside the impugned order Memo No. 2351-CRO issued by the Joint Commissioner of Police, HQ, and Calcutta. The father of the applicant who was a constable in W.B.P. had died in harness on 08.06.2009. At the time of death of the deceased employee, the applicant was minor and was only 10 (ten) years old. The mother of the applicant had applied for compassionate employment for her son when he will attain majority. Later the applicant himself applied for compassionate employment on 10.04.2017 when he turned 18 years of age.

The respondent authority, however, considered the application and rejected the prayer citing Notification No. 251-Emp. The rejection order is quoted below :-

“This is to mention here that in reply to our proposal for your employment on compassionate ground; the Govt. regrets its inability to consider the case for appointment under exempted category in the light of the guidance contained in the Labour Department’s Notification No. 251-Emp dated 03.12.2013 read with subsequent amendments. You have not fulfilled the required

conditions as laid down in the said Notification for being eligible to be considered for appointment under exempted category”

Learned advocate for the applicant submits that nowhere in the rejection order, the reason for rejection has been quoted. It only refers to the Notification No. 251-Emp dated 03.12.2013 and subsequent amendments by which the application was rejected. He also submits that this Notification is not applicable in his case.

Mrs. Mitra submits that the applicant was a mere boy of ten years old at the time of his father’s death. Although, the mother applied for her son after the death of the father and the applicant also applied when he turned 18 years of age, such claims are not allowed due to the fact that he was a minor at the time of death of deceased employee. Mrs. Mitra also submits that the cited Notification is very much applicable in this case because this Notification has superseded all earlier Notifications.

Let the matter be listed for hearing on **13.09.2022**.

SAYEED AHMED BABA
MEMBER (A)