

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

The Hon'ble Justice Ranjit Kumar Bag
& The Hon'ble Subesh Kumar Das

Case No – OA 1064 OF 2016

AYAN ROY Vs The State of West Bengal & Ors.

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
<p>7</p> <hr/> <p>18.04.2018</p>	<p>For the Applicant : Mr. J.N. Manna Learned Advocate</p> <p>For the State Respondent: Mr. S. N. Ray Learned Advocate</p> <p>The applicant has prayed for direction upon the respondents to issue appointment letter in favour of the applicant for compassionate appointment on cancellation of letter dated March 27, 2009 issued by the respondent No. 2 by which prayer of the applicant for compassionate appointment was rejected.</p> <p>It appears from the materials on record that one Anita Dutta (Roy), mother of the applicant died on August 28, 2006 while she was working as Nurse at Bhagwanpur Rural Hospital in the District of Purba Medinipur. The applicant submitted application as dependant member of the family of the deceased employee, which was duly considered and rejected by the authority concerned. The order of rejection of prayer of the applicant was communicated under impugned letter dated March 27, 2009 which is under challenge in the present application.</p>	

ORDER SHEET

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	<p>On consideration of the impugned letter dated March 27, 2009 (Annexure 'C' to the original application) we find that prayer of the applicant for compassionate appointment was rejected on the ground that there was no need of immediate financial assistance to the members of the family of the deceased employee, particularly when the father of the applicant was working as Assistant Teacher of a primary school and drawing salary of Rs.8,000/- (Rupees eight thousand only) per month at the time of death of the concerned employee. Relying on the decision of Learned Single Judge of the High Court at Calcutta in "Susmita Mazumdar v. State of West Bengal & Ors." reported in (2013) 3 CAL LT 01 (HC) Learned Counsel for the applicant submits that prayer of the applicant for compassionate appointment cannot be rejected only because members of family of the deceased employee were getting family pension and other retirement benefits of the deceased employee. On perusal of the said reported judgement, we find that in the said reported case prayer for compassionate appointment was rejected only on consideration of income of the family from family pension and retirement benefits of the deceased employee. In the instant case, prayer of the applicant was rejected as the father of the applicant was employed as Assistant Teacher of a primary school drawing salary of Rs. 8,000/- (Rupees eight thousand only) per month at the time of death of the concerned</p>	

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SCN.	<p>employee, apart from getting retirement benefits and family pension. So, the facts of the reported case are clearly distinguishable from the facts of the present case and as such, ratio of the reported case cannot have any bearing on the facts of the present case.</p> <p>Since the prayer of the applicant for compassionate appointment was rejected on the ground of having sufficient income of members of family of the deceased employee, we cannot persuade ourselves to set aside the order of rejection of prayer for compassionate appointment as communicated under impugned letter dated March 27, 2009. In view of the above findings the original application is dismissed.</p> <p>Let a plain copy of the order be supplied to both parties.</p> <p>(S.K. Das) MEMBER (A)</p> <p>(R.K. Bag) MEMBER (J)</p>	