

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

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

Case No – OA 1655 OF 2007

BISWAJIT SOREN 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>22</p> <hr/> <p>12.04.2018</p>	<p>For the Applicant : Shrimati Sunita Agarwal Learned Advocate</p> <p>For the State Respondent: Shri Subit Kumar Mandal Learned Advocate</p> <p>The applicant has prayed for a direction upon the respondents to give appointment to the applicant on compassionate ground on cancellation of letter dated August 14, 2006, issued by the respondent No.2, by which prayer of the applicant for compassionate appointment was rejected.</p> <p>One Chandra Mohan Soren, father of the applicant died on May 15, 1995 while he was working as Forest Guard under the Department of Forest, Government of West Bengal. On June 13, 2002, the mother of the applicant submitted one informal application before the respondent No. 4 praying for compassionate appointment of the applicant. The said application was processed in due course and ultimately rejected and the order of rejection was communicated to the applicant under letter dated August 14, 2006 which is under challenge in the present application.</p>	

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	<p>Mrs. Sunita Agarwal, Learned Counsel for the applicant submits that the grounds of rejection of prayer of the applicant have not been communicated by the respondent No. 2 under letter dated August 14, 2006 and as such, the said letter is liable to be quashed. She further submits that the delay in filing the application for compassionate appointment was due to ignorance of the provision of the scheme by the applicant. On the other hand Learned Counsel representing the State respondents submits that there was delay of more than seven years in submitting the application for compassionate appointment, which indicates that there was no financial crisis in the family of the deceased employee.</p> <p>On consideration of the impugned order dated August 14, 2006 we find that the reasons for rejection of prayer for compassionate appointment of the applicant were not communicated to the applicant. We would have quashed the said letter dated August 14, 2006 issued by the respondent No. 2 had there been no delay in submission of the application for compassionate appointment. It appears from the materials on record that there was inordinate delay of almost seven years in</p>	

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SCN.	<p>submission of the application for compassionate appointment. In the absence of any explanation for submitting application for compassionate appointment after seven years of death of the father of the applicant, we can very well hold that there was no acute financial crisis in the family of the deceased employee after death of the concerned employee and as such, the applicant did not submit application promptly after the death of his father.</p> <p>In view of our above findings, we do not find any merit in the preset application and as such, the application is dismissed.</p> <p>Let 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>	