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| 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 |
| **07**  **22.02.2018**  **Sanjib** | **For the Applicant : Mrs. S. Mitra,**  **Learned Advocate.**  **For the Respondents : Mr. S. Bhattacharjee,**  **Mrs. R. Sarkar,**  **Departmental Representatives.**    The applicant has filed this original application under section 19 of the Administrative Tribunals Act, 1985 praying for direction upon the respondents to give appointment to the applicant on compassionate ground.  One Bishnu Charan Rajak, father of the present applicant was declared physically incapacitated w.e.f. May 18, 1992, while he was working as Group-D employee in the establishment of the District Magistrate, Purulia. The applicant filed an application for compassionate appointment after his father was declared physically incapacitated, but the said application was not considered by the appropriate authority. The applicant approached the Tribunal ventilating his grievance for inaction on the part of the Principal Secretary, Department of Land and Land Reforms, Government of West Bengal by filing OA No. 2598 of 2007 which was disposed of by the Tribunal on February 9, 2010 by directing the respondent no. 2 to pass a reasoned order in connection with the compassionate appointment of the applicant. The said respondent no. 2 passed a reasoned order which was communicated to the applicant on July 8, 2010. It appears from the said reasoned order that the Additional Chief Secretary, Land and Land Reforms Department, Government of West Bengal relegated the case of the applicant to the District Magistrate, Purulia for fresh consideration on the basis of Notifications issued by the Labour Department, Government of West Bengal. Ultimately, the respondent no. 4, District Magistrate, Purulia considered the case of the applicant for compassionate appointment on the basis of Memorandum No. 3994-GB III of 5th./15th June, 1991 issued by Board of Revenue, Government of West Bengal and found the applicant not eligible for compassionate appointment.  Mrs. Mitra, Learned Counsel representing the applicant, submits that the District Magistrate, Purulia did not consider report of three-men enquiry committee for deciding the case of the applicant for compassionate appointment. Since the father of the applicant was declared physically incapacitated in the year 1992, we are of the view that the District Magistrate, Purulia rightly decided the case of the applicant on the basis of Memorandum dated June 5/June 15, 1991 issued by the Board of Revenue, Government of West Bengal. The concept of report by three-men enquiry committee was not in force when the said Memorandum of 1991 of the Board of Revenue was issued and as such we do not find any merit in the submission made on behalf of the applicant that the District Magistrate, Purulia did not consider the report of three-men enquiry committee. The criterion laid down for compassionate appointment in the Memorandum of 1991 issued by the Board of Revenue is that the benefit of compassionate employment to a near relation of a Government employee retiring prematurely on medical ground cannot be given where loss in pensionary benefits between premature retirement and usual superannuation is insignificant. The said Memorandum also indicates that the benefit will be strictly confined to cases where there is no earning member in the family of the employee who retired prematurely on medical ground. In the instant case, one of the brothers of the applicant was employed in Kolkata Police and earning monthly salary of Rs.2911/- at the relevant point of time as reflected from the reasoned order passed by the Additional Chief Secretary, Land and Land Reforms Department, Government of West Bengal (Annexure P12 to the original application). The letter by which the District Magistrate, Purulia refused compassionate appointment of the applicant on August 26, 2015 (Annexure R2 to the rely of the respondents) indicates that the difference in pension of the father of the applicant is only Rs.21/- per month due to premature retirement on medical ground. The total loss of pensionary benefits of the father of the applicant between his premature retirement on medical ground and his usual superannuation is insignificant and as such the applicant cannot get compassionate appointment on the basis of Memorandum issued by the Board of Revenue in the year 1991 by which the case of the applicant will be governed.  In view of our above findings, we do not find any merit in the present application. The application is, thus, dismissed.  Let a plain copy of this order be supplied to both the parties.  **( S.K. DAS ) ( R. K. BAG )**  **MEMBER(A)**  **CHAIRMAN IN CHARGE** |  |