

ORDER SHEET
WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

**The Hon'ble Justice Ranjit Kumar Bag
& The Hon'ble Dr. Subesh Kumar Das**

Case No – **OA 225 OF 2017**

Pinaki Dey 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 style="text-align: center;">05 12.04.2018</p>	<p>For the Applicant : Mr. A. Banerjee, Mr. B. Pramanick, Learned Advocates.</p> <p>For the Respondents : Mr. G.P. Banerjee, Learned Advocate.</p> <p>The applicant has prayed for direction upon the respondents to give appointment to the applicant on compassionate ground after setting aside order dated October 25, 2016 issued by the respondent no. 1, by which prayer of the applicant for compassionate appointment was rejected.</p> <p>It appears from the materials on record that one Biswanath Dey died on October 17, 1998 while he was working as Head Constable. The wife of the deceased employee Shrimati Maya Dey submitted application for compassionate appointment on December 7, 1998, Shrimati Maya Dey was found physically unfit to be posted as Lady Constable on March 3, 2000. Subsequently, Shrimati Maya Dey was asked by the authority concerned to appear in the test for employment but she expressed her unwillingness. Ultimately, Shrimati Maya Dey submitted application for compassionate appointment of her son who was 12 years old at the relevant point of time. The application submitted by the applicant being the son of the deceased employee was considered and the same was</p>	

ORDER SHEET

Pinaki Dey

Form No.

Vs.

The State of West Bengal & Ors.
.....

Case No. **OA 225 OF 2017**

rejected by the reasoned order dated October 25, 2016.

Learned Counsel for the applicant has challenged the reasoned order by submitting that the recommendation of the name of the applicant for compassionate appointment by DIG & IG of the Department have not been considered by the respondent no. 1. The further submission of Learned Counsel is that the case of the applicant should have been considered as a special case for giving appointment on compassionate ground. On the other hand, Learned Counsel representing the state respondents submits that there was no financial crisis in the family of the deceased employee as the wife of the deceased employee expressed her unwillingness for any job in the department.

Having heard Learned Counsel representing both parties and on consideration of the reasoned order passed by the respondent no. 1 on October 25, 2016, we find that prayer of the applicant for compassionate appointment was rejected as there was no need of immediate financial assistance in the family of the deceased employee. We do not find any cogent reason to consider the case of the applicant as a special case as contended by Learned Counsel for the applicant. The present applicant was about 9 years old when his father died on October 17, 1998. Had there been acute financial crisis in the family of the deceased employee,

ORDER SHEET

Pinaki Dey

Form No.

Vs.

The State of West Bengal & Ors.

Case No. **OA 225 OF 2017**

the wife of the deceased employee would have expressed her willingness to get any job in the department for survival of the members of the family. The object of giving compassionate appointment is to tide over acute financial crisis caused by sudden and premature death of the Government employee while in service. The fact of submission of the application by the present applicant on attaining majority after lapse of almost 9 years from the date of death of his father clearly supports the views taken by the respondent no. 1 that there was no need of immediate financial crisis in the family of the deceased employee. We do not find any reason to interfere in the reasoned order passed by the respondent no. 1 on October 25, 2016.

In view of our above findings, the original application is **dismissed**.

Let a plain copy of this order be supplied to both parties.

(S.K. DAS)
MEMBER(A)

(R. K. BAG)
MEMBER (J)

Sanjib