

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

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

Case No – OA 78 OF 2017

**BAPPA DEB 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>11</p> <hr/> <p>04.06.2018</p>	<p>For the Applicant : Mrs. Kalyani Bhattacharyya Learned Advocate</p> <p>For the State Respondent: Mr. A. Dey Mr. A. Datta Departmental Representative</p> <p>For the A.G., West Bengal : Mr. Biswanath Mitra Departmental Representative</p> <p>The applicant has prayed for quashing of letter dated December 18, 2014 (Annexure A-6 to the original application) by which the Joint Secretary to the Government of West Bengal, Department of Land &amp; Land Reforms has communicated the fact of rejection of claim of the applicant for compassionate appointment.</p> <p>One Himangshu Kumar Deb died on October 30, 2008, while he was working as Chain Peon Grade –I under Block Land &amp; Land Reforms Officer, Coochbehar. Himangshu Kumar Deb died leaving behind his wife Shrimati Mitu Rani Deb, his unmarried daughter, Lipi Deb and minor son, Bappa Deb – present applicant as legal heirs and dependants. The applicant submitted application for compassionate appointment which was processed by the respondents and ultimately rejected on</p>	

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	<p>the ground that the applicant was minor on the date of death of his father.</p> <p>Learned Counsel representing the applicant contends that the applicant was minor at the time of death of his father, but he attained majority during pendency of the application for compassionate appointment and as such, the applicant should have been given compassionate appointment. On the other hand, the authorised representative of the respondents has referred to paragraph 3 and paragraph 9 of Reply and submitted that there was no financial hardship in the family of the deceased employee as the members of the family of the deceased employee were ready to wait for three years for attaining majority of the minor son for the purpose of compassionate appointment. He further submits that the wife of the deceased employee and the adult unmarried daughter of the deceased employee were eligible to get compassionate appointment, but they did not submit any application for getting compassionate appointment and thereby there was no urgent financial hardship in the family of the deceased employee, which is the prime consideration for grant of compassionate appointment.</p>	

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	<p>Admittedly the wife of the deceased employee and unmarried adult daughter of the deceased employee were eligible for submitting application for compassionate appointment. No explanation is forthcoming from the applicant as to why the applicant being minor at the time of death of his father submitted application for compassionate appointment and thereby waited for almost two and half years for getting appointment after attaining majority. The object of giving compassionate appointment is to mitigate immediate financial crisis caused due to death of sole bread winner of the family. The object of compassionate appointment cannot be treated as source of employment by the members of family of the deceased employee. Since the wife of the deceased employee and unmarried adult daughter of the deceased employee did not submit any application for compassionate appointment and since the minor son submitted application for compassionate appointment inspite of the fact that he would attain majority only after two and half years, it can very well be inferred that there was no immediate financial hardship in the family of deceased employee. Even if we assume that the application submitted by the applicant should not have been rejected only on the ground of minority, we are of</p>	

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SCN.	<p>the view that the application of the applicant should have been rejected on the ground that there was no acute financial crisis in the family of the deceased employee. In view of our above observation, we do not find any merit in the present application and the same is dismissed.</p> <p style="text-align: center;">Let an urgent xeroxed certified copy of the order be given to the applicant on priority basis.</p> <p>(S.K. Das) MEMBER (A)</p> <p style="text-align: right;">(R.K. Bag) MEMBER (J)</p>	