

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – **OA 914 OF 2012**

Sudipta Dutta 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
19 <hr/> 18.05.2018	<p>For the Applicant : Mrs. S. Mitra, Learned Advocate.</p> <p>For the Respondents : Mr. S. Bhattacharjee, Mr. A. Dey, Departmental Representatives.</p> <p>The applicant has prayed for quashing of the letter dated August 26, 2011 issued by the respondent no. 2, by which prayer of the applicant for compassionate appointment was rejected.</p> <p>One Sukumar Dutta, father of the applicant died on July 11, 2010 while he was working in the post of Amin under Block Land & Land Reforms Officer, Khandaghosh in the District of Burdwan. On October 5, 2010, the applicant submitted one application in the prescribed format for compassionate appointment. The said application was duly forwarded by the District Land & Land Reforms Officer on June 23, 2011 along with report of enquiry committee. Ultimately, the claim of the applicant was rejected and the fact of rejection was communicated under letter dated August 26, 2011 which is under challenge in the present application.</p> <p>Mrs. Mitra, Learned Counsel for the applicant contends that the income of the family of the deceased employee was less than 90% of gross income of the deceased and thereby the applicant is entitled to get</p>	

ORDER SHEET

Sudipta Dutta

Form No.

Vs.

The State of West Bengal & Ors.

Case No. **OA 914 OF 2012**

compassionate appointment on the basis of Notification issued by the Labour Department, Government of West Bengal in the year 2008. On the other hand, Mr. Bhattacharjee, the authorised representative of the respondents contends that three-men enquiry committee has wrongly calculated the income of the members of the deceased family on the basis of Notification issued by the Labour Department in the year 2008. He further submits that the income of the members of the family of the deceased employee will be more than gross income of the deceased and the applicant is not solely dependent on the income of the deceased, as the mother of the applicant is a Government employee.

On consideration of Notification No. 30-Emp. Dated April 2, 2008 issued by the Labour Department, Government of West Bengal, we find in paragraph 2 (ii) of the said Notification that the dependent of Government employee must solely depend on the deceased Government employee for the purpose of appointment on compassionate ground. In the instant case, admittedly mother of the applicant Shrimati Purnima Dutta is a Government employee drawing salary of Rs.27,747/- per month at the relevant point of time. So, the applicant is not solely dependent on the income of his deceased father, as the mother of the applicant was earning substantial amount of Rs.27,747/- per month. That apart, while gross income

ORDER SHEET

Sudipta Dutta

Form No.

Vs.

The State of West Bengal & Ors.

Case No. **OA 914 OF 2012**

of the deceased employee was Rs.25,986/- per month, the total monthly income of members of family of the deceased employee was Rs.40,005/-, which is far above the gross income of the deceased employee. In view of Notification No. 30-Emp. Dated April 2, 2008 issued by the Labour Department, Government of West Bengal, the claim of the applicant has been rightly rejected by the respondent no. 2. Accordingly, we cannot persuade ourselves to intervene in the impugned order under challenge in the instant application. The original application is, thus, **dismissed**.

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

(S.K. DAS)
MEMBER(A)

(R. K. BAG)
MEMBER (J)

Sanjib