

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 2017

Bir Bahadur Ram 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;">02 04.05.2018</p>	<p>For the Applicant : Mr. D.K. Mukherjee, Learned Advocate.</p> <p>For the Respondents : Mrs. M. Mallick, Learned Advocate.</p> <p>The applicant has prayed for quashing of letter dated July 11, 2014 issued by the Director of Health Services, West Bengal, by which prayer of the applicant for compassionate appointment was rejected.</p> <p>It appears from the materials on record that one Dhanu Ram died on March 28, 2006 while he was working as Group-C employee at SSKM Hospital. Dhanu Ram died leaving behind his wife and three children including the applicant as legal heirs. The applicant submitted application for compassionate appointment which was considered by the respondents and ultimately the claim of the applicant for compassionate appointment was rejected. It appears from the impugned letter dated July 11, 2014 issued by the Director of Health Services, West Bengal that the claim of the applicant for compassionate appointment was rejected on the ground that the applicant submitted application in the prescribed format after lapse of almost 6 (six) years from the date of death of his father.</p>	

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Learned Counsel for the applicant contends that the respondent Superintendent-cum-Vice Principal, SSKM Hospital did not supply the prescribed format to the applicant and as such there was delay in submitting the application in the prescribed format. He further submits that the application in prescribed format was submitted on August 9, 2010, but copy of the said application is not forthcoming before the Tribunal. No cogent explanation is forthcoming as to why delay took place for submission of application in the prescribed format for compassionate appointment. Since the applicant waited for 6 (six) years for submission of application for compassionate appointment, we can very well infer that there was no immediate financial crisis in the family of the deceased employee for giving compassionate appointment to the applicant. That apart, the applicant has challenged the order of rejection communicated under letter dated July 11, 2014 (Annexure-T to the original application) by filing Original Application on September 21, 2017. So, the applicant has challenged the order of rejection of claim of the applicant for compassionate appointment after almost 3 (three) years without filing any application for condonation of delay and without explaining delay of almost 2 (two) years in approaching the Tribunal for challenging the order of rejection. The present application is, thus, barred under Section 21 of the Administrative Tribunals Act, 1985.

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<p>Sanjib</p>	<p>In view of our above findings, we cannot persuade ourselves to give any relief to the applicant in the instant application. So, the original application is dismissed.</p> <p>Let a plain copy of this order be supplied to both the parties.</p> <p>(S.K. DAS) MEMBER(A)</p> <p>(R. K. BAG) MEMBER (J)</p>	
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