

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – **OA 145 OF 2017**

Rajib Das 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;">06</p> <hr/> <p style="text-align: center;">06.03.2018</p>	<p>For the Applicant : Mr. S. Tripathi Learned Advocate.</p> <p>For the Respondents : Mr. S.N. Ray, Learned Advocate.</p> <p>The applicant has filed the original application under section 19 of the Administrative Tribunals Act, 1985 praying for direction upon the respondent nos. 2 and 3 to give appointment to the applicant on compassionate ground.</p> <p>It appears from the original application that one Mahadeb Das died on March 21, 2001 while he was working as Peon in the Central Diary under Directorate of Diary Development, Government of West Bengal. Mahadeb Das died leaving behind the present applicant as minor son, one Mithu Das as minor daughter and one Samita Das as wife. It appears from the correspondences between the applicant and the officials working under Directorate of Diary Development that the application for compassionate appointment was submitted in the year 2010. The grievance of the applicant is that the case of the applicant for compassionate appointment has not been processed by the respondents in spite of repeated representations filed from the end of the applicant.</p> <p>The date of birth of the applicant is February 15, 1995. The applicant claims to have attained majority</p>	

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on April 11, 2011, i.e. long after 10 years of death of his father. In the absence of submission of any application for compassionate appointment immediately after death of the father of the applicant, we are constrained to hold that there was no acute financial crisis in the family of the deceased employee warranting compassionate appointment of any of the dependent of the deceased employee. Moreover, the present original application is filed on February 16, 2017 and the last representation with regard to compassionate appointment was submitted by the applicant on April 11, 2015. The applicant should have approached the Tribunal after lapse of 6 (six) months from submission of the last representation, but the applicant approached the Tribunal only on February 16, 2017 without explaining the delay as laid down in Section 21 (3) of the Administrative Tribunals Act, 1985.

In view of our above findings, the present application has no merit and the present application is also barred under section 21 of the Administrative Tribunals Act, 1985. So, 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