

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

The Hon'ble Mrs. Urmita Datta (Sen), Member(J)

The Hon'ble Mr. P. Ramesh Kumar, Member (A)

Case No – MA-124 of 2018 (OA-610 of 2017).Raju Halder. Vs The State of West Bengal & Others.

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
01 <hr/> 12/09/2018	<p>For the Applicant : Mrs.Sonali Mitra, Advocate.</p> <p>For the State Respondents: Mrs. Ruma Sarkar, Mr. Avijit Dutta, Departmental Representatives.</p> <p><i>The instant OA has been filed praying for following relief:</i></p> <p>a) <i>An order do issue directing the respondents, their agents, subordinates and successors to rescind, cancel and withdraw the impugned memo dated 21.06.2010 in Annexure-C to this application forthwith;</i></p> <p>b) <i>An order do issue directing the respondent, their agents, subordinates and successors to grant compassionate appointment to the applicant under the died-in-harness category in any post commensurate with his educational qualification forthwith without any hindrance from any quarters;</i></p> <p>c) <i>An order directing the respondents, their agents, subordinates and successors to produce all records and proceedings so that conscionable justice may be administered by granting the relief for hereinabove;</i></p>	

**ORDER SHEET****Raju Halder.**

Form No. ....

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	<p><i>d) To pass such other or further orders or orders as to the Hon'ble Tribunal may deem fit and proper;</i></p> <p><i>As per the applicant his father died on 27.11.2009 while working as head clerk at B.L. &amp; L.R.O., Goalpokhar-I (Annexure A). At the time of death, his father left behind his widow and two sons including the applicant. Thereafter, the mother of the applicant submitted application on 21.12.2009 to consider the case of the applicant who was minor at that point of time for compassionate appointment (Annexure B). However, the respondent No.2 vide memo dated 21.06.2010 had rejected the candidature of the applicant (Annexure C). As per the applicant, since his elder brother was doing business but living separately the applicant is suffering with financial crisis and subsequently submitted another application for compassionate appointment which was again rejected by letter dated 26.09.2014. Being aggrieved with, he has filed the instant application. As per the applicant after the death of his father, they received some lump sum amount but respondents are not considering his case.</i></p> <p><i>The instant application was heard on 07.11.2017 and the departmental representatives</i></p>	

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Form No. ....

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	<p><i>for the respondents had raised the preliminary objection with regard to the limitation. Thereafter, the applicant filed aforementioned MA-124 of 2018 wherein it has been stated that the applicant came to know about the rejection of his claim for compassionate appointment lately. He contacted one local advocate practising in Uttar Dinajpur district and the said advocate assured him that he will take care to prepare application to be filed before this Tribunal. However, the applicant did not receive any communication after prolonged time then he visited his chamber in June 2015 but the chamber was found under lock and key. Thereafter, again she visited his chamber in December 2015 and contacted Ld. Advocate. After waiting for a long time, he instructed to file application through another Ld. Advocate before this Tribunal. However, in January 2017, he came to know that his document has been somehow misplaced by the said advocate and thereafter he has again submitted his documents to the said advocate for preparation of the case. However, ultimately the application was filed on 07.07.2017. Therefore, the applicant has prayed for condonation of delay for filing the application. The departmental representative, however, has raised objection to</i></p>	

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	<p><i>allow the instant MA as the explanation given in the miscellaneous application is vague one. Further, in the instant application for condonation of delay, the applicant has only stated reasons for delay since 2015 to 2017, whereas he has only challenged the earlier order of 2010. Further, he has not even challenged the order of 2015. It has been further submitted by the respondent that the application filed by his mother was rejected on the ground that his elder brother was doing business and the applicant was minor at the time of death of his father. Therefore, the applicant has no case on merit. Thus, the respondent has prayed for rejection of the instant MA.</i></p> <p><i>We have heard both the parties and perused the records. It is noted that the respondents vide their Memo dated 21.06.2010 had rejected the claim of mother of the applicant with following observation;</i></p> <p><i>“With reference to above, this is to inform him that the family of the deceased employee is not in need of immediate employment assistance. They want to wait as the elder son is a businessman and the younger son</i></p>	

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Form No. ....

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	<p><i>has not yet attained majority. The prayer of Smt. Ambika Halder W/o. Late Ramu Halder cannot be entertained. The petitioner may be informed accordingly.”</i></p> <p><i>From the perusal of the above order, it is noted that the respondents have rejected the claim of his mother on the ground that the applicant was minor and his brother was doing business. However, the mother of the applicant had probably again made an application which was again rejected by the order dated 26.09.2014. It is further noted that though the applicant had challenged the order dated 21.06.2010 but, he has not challenged the order dated 26.09.14 whereas in the application for condonation of delay he has tried to explain the cause of delay from 2015 onwards only. Moreover, in the instant OA the applicant nowhere has challenged the reasons for rejection rather he has admitted that they received some lump sum amount after the death of his father. Further, the reasons for condonation of delay is not convincing one as the delay from 2010 to 2017 even not have been explained at all.</i></p>	

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GM	<p style="text-align: center;"><i>In view of the above, we are unable to entertain the instant MA. Accordingly, the <b>MA and OA are dismissed with no order as to cost.</b></i></p> <p style="text-align: center;"><b>P. RAMESH KUMAR MEMBER(A)</b>                      <b>URMITA DATTA (SEN) MEMBER(J)</b></p>	