

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

The Hon'ble Mrs. Urmita Datta (Sen), Member (J) &
The Hon'ble P. Ramesh Kumar, Member (A).

MA-172 of 2019 (OA-536 of 2019)

Kurani Bauri & Anr. 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;">08 01.10.2019</p>	<p>For the petitioner : Mr. D. Sur, Learned Advocate.</p> <p>For the respondent : Mrs. Sunita Agarwal, Learned Advocate.</p> <p>The instant MA application has been filed praying for condonation of delay for filing the instant application for six months. As per the applicant, his father died on 13.07.1996 leaving behind his wife, elder son i.e. Ajay Kr. Bauri, younger son Bijoy Bauri and two daughters. Subsequently, elder brother Sri Ajay Kr. Bauri applied for compassionate appointment and thereafter on 01.03.2007, the Superintending Engineer had asked the elder son to attend his office with all original documents but he failed to do so even after granting repeated opportunities. Subsequently the said elder son Mr. Ajay Kr. Bauri informed the authority that he is now employed and living separately and he has no objection if the same would be offered to his younger brother. However, as the compassionate appointment is</p>	

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<p style="text-align: center;">08 01.10.2019</p>	<p>not a matter of right and is not transferable, therefore, the respondents had rejected the prayer of the Bijoy Kr. Bauri vide order dated 23.12.2018. Being aggrieved with, he has filed this instant application.</p> <p style="text-align: center;">The counsel for the respondent has vehemently submitted that the case of the elder brother of the applicant was first considered and he was asked to submit documents before the authority even after granting repeated opportunities he did not submit any documents and after ten years the applicant had applied for compassionate appointment in place of his elder brother. Since the compassionate appointment is not a matter of right and is not transferable as per the scheme of the Deptt, therefore, his case has been rightly rejected even the instant application is also barred by limitation also.</p> <p style="text-align: center;">Heard the parties and perused the record.</p>	

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<p style="text-align: center;">08</p> <hr/> <p>01.10.2019</p> <p style="text-align: left;">SC</p>	<p style="text-align: center;">It is noted that the father of the applicant died on 13.07.1996 and thereafter the elder brother applied for compassionate appointment. Though he was granted repeated opportunities to submit required documents for consideration of his case for compassionate appointment, however, after more than ten years he had informed that he has been employed in a different organisation and in his place his younger brother can be considered for compassionate appointment.</p> <p style="text-align: center;">Since the compassionate appointment is not a matter of right and is not transferable as per the scheme of the Department, the authority has rightly rejected the claim of the applicant. Therefore, we do not find any reason to interfere with the decision of the respondents. Accordingly, both the MA and OA is dismissed being devoid of merit and also barred by limitation.</p> <p style="text-align: center;">P. RAMESH KUMAR MEMBER (A)</p> <p style="text-align: center;">URMITA DATTA (SEN) MEMBER (J)</p>	

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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
Page /3 02 <hr/> 12.04.2019		

ORDER SHEET

Form No.

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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
sc P/4 02 <hr/> 15.02.2019		

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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>P/5</p> <hr/> <p>02</p> <p>15.02.2019</p>		

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<p>P/6</p> <hr/> <p>02 15.02.2019</p>		

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