

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-218 of 2018 (OA-133 of 2018).**Rasidul Sarkar. 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
<p style="text-align: center;">03</p> <p>-----</p> <p>09-04-2019</p>	<p>For the Applicant : Mrs. S. Agarwal, Advocate.</p> <p>For the State Respondents : Mr. G. P. Banerjee, Advocate.</p> <p>The instant application has been filed praying for compassionate appointment in favour of the applicant. As per the applicant, his father died on 26-11-2008. Thereafter the mother of the applicant filed an application for compassionate appointment on 07-02-2009 but till date he has not received any response from the respondent. Being aggrieved with, he has filed the instant application.</p> <p>During the course of the hearing the Counsel for the applicant has also filed one MA for condonation of delay and the application was filed almost 10(ten) years from the date of death of the Ex-employee. The Counsel for the respondent has raised the preliminary objection for condonation of delay and the applicant has</p>	

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	<p>approached this Tribunal almost 10(ten) years without any valid reason.</p> <p>Heard both the parties and perused the records. During the course of hearing the Counsel for the applicant has referred one judgement passed by the Hon'ble High Court in W.P.C.T. No. 275 of 2012 dated 17-01-2013. It is noted that Ex-employee died on 26-11-2008 leaving behind his widow and 5(five) sons and one daughter, all the sons were major at the point of time. However the elder brother and mother have given no objection. The instant application has been filed even after 9(nine) years from the date of submission of the representation though according to the applicant that they have waited for the proforma application but till date no proforma application has been filed and they are praying for condonation of delay on this ground.</p> <p>However in our considered opinion, it is settle principle of law that the purpose of providing compassionate appointment is to</p>	

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	<p>overcome the sudden financial crisis cause due to sudden demise of the sole bread earner. As the applicant had waited for long 10(ten) years from the date of death of his father, therefore in our considered view, the main purpose of compassionate appointment has been frustrated and we do not find any reason to condon the delay as there is no sufficient ground for waiting for a long time rather the applicant could have approached this Tribunal after reasonable time if there is any non-action on the part of the respondent. However with regard to the aforementioned judgement, the case of Monosakha Manna & Another Vs. Union of India & Others, it is observed that the fact of the case rather quite distinguishable as some progress has occurred with regard to the case of the applicant of the aforesaid matter in the year of 2000. Subsequently no final decision was communicated to the applicant in the said application.</p> <p>However the order of the Tribunal was also not rejected by the Hon'ble High Court.</p>	

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Mihir	<p>Therefore the aforementioned case is not applicable in the instant case. Accordingly, the MA is rejected along with the OA with no order as to cost.</p> <p>P. RAMESH KUMAR MEMBER(A)</p> <p>URMITA DATTA (SEN) MEMBER(J)</p>	