

**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 – OA-863 of 2017.****Sumitra Mondal & Anr. 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>05</p> <hr/> <p>24/08/2018</p>	<p>For the Applicant : Mr. Sobhan Majumder, Advocate.</p> <p>For the State Respondents: Mr. Goutam Pathak Banerjee, Advocate.</p> <p><i>It is noted that one MA 77 of 2018 has been filed in connection with OA No.863 of 2017, which was scheduled to be listed on 16.05.2018 but it was not listed on 16.05.2018. Today the aforementioned MA has not been listed. Therefore, MA, which has been filed for condonation of delay to be treated as part of today's' list. The instant application has been filed praying for compassionate appointment in favour of the applicant No.2. According to the applicants, the father of the applicant No.2 died on 31.12.2003. Subsequently, applicant No.1 i.e. wife of the deceased employee approached the authority for compassionate appointment in favour of the applicant No.2 (Annexure C). Thereafter, the Joint Secretary, Department of Public Health Engineering ultimately vide letter dated 28.07.2014 to the Chief Engineer(Planning &amp; WQM), had directed him to furnish a fresh enquiry report along with other required documents. Subsequently, applicant No.2</i></p>	

**ORDER SHEET**

Sumitra Mondal &amp; Anr.

Form No. ....

**Vs.****The State of West Bengal & Others.**Case No. OA-863 of 2017.

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><i>was also informed by letter dated 16.09.14 about the fresh enquiry report submitted by the Superintending Engineer to the Chief Engineer (Planning &amp; WQM). However, since no action has been taken, being aggrieved, the applicant has filed the instant application.</i></p> <p><i>The counsel for the respondent has raised the preliminary objection on the point of limitation. The counsel for the applicant has filed one miscellaneous application for condonation of delay, wherein, it has been stated that the applicant No.1 was seriously ill during the period of 03.04.2016 to 28.08.2017. In support of which, he has only enclosed one certificate issued by one doctor and has prayed for condonation of delay for filing the instant application.</i></p> <p><i>However, the counsel for the respondent has raised preliminary objection as the concerned employee died on 31.12.2003 even the last communication was made on 16.09.2014 and the applicant has approached this Tribunal on 12.09.2017 only. Moreover, the last communication was made to the applicant No.2. Therefore, illness of his mother has no relevancy in the instant case. Thus he has prayed for rejection of the prayer.</i></p>	

**ORDER SHEET**

Sumitra Mondal &amp; Anr.

Form No. ....

**Vs.****The State of West Bengal & Others.**Case No. OA-863 of 2017.

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
GM	<p><i>Heard the parties. Perused the records. It is noted that the concerned employee died in 2003. It is settled law that compassionate appointment is not a matter of right. However, compassionate appointment could be granted to overcome the sudden financial crisis occurred due to the sudden demise of the bread earner. In the instant case, the applicant No.2 had waited from 2003 till 2017. Further, last communication was made to him on 16.09.2014. Even then he approached this Tribunal in 2017 only. We are also agreeable with the contention of the respondent even if we accept that the applicant No.1 was ill during the period. However, there is no reason for the applicant no.2, to whom the last communication was made, who can easily approached this Tribunal within a period of limitation. Therefore, we do not find any reason to condone the delay even we do not find any merit in the instant case. Accordingly, both the <b>MA and OA are dismissed.</b></i></p> <p><b>P. RAMESH KUMAR MEMBER(A)</b></p> <p><b>URMITA DATTA (SEN) MEMBER(J)</b></p>	