

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- 1006 of 2017.Nilratan Barman. 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
08 <hr/> 08/07/2019	<p>For the Applicant : Mrs. S. Agarwal, Ld. Advocate.</p> <p>For the State Respondents: Mr. B.P. Roy, Mr. S. Ghosh, Ld. Advocates.</p> <p><i>The instant application has been filed challenging the order dated 6.6.17. As per the applicant, he had submitted the application in proper format. However, his application was never rejected initially. Moreover, as per the applicant, one similarly circumstances person i.e. Tapan Barman, whose name was in the proposed list along with the applicant, was subsequently granted appointment but the case of the applicant was rejected.</i></p> <p><i>The counsel for the respondent has vehemently objected such submission and has submitted that the claim of the applicant for compassionate appointment has been rejected on the ground that the applicant did not apply for compassionate appointment within six months as the father of the applicant died on 04.10.2002 but. the first application was made on 30.08.2007 only and the applicant did not submit any documents to support his claim. Therefore, issue of making</i></p>	

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	<p><i>application in proper format has no relevancy with the ground of rejection of the application. Though the applicant has referred the case of Mr. Tapan Barman but mere listing of name in a common panel does not prove that the said Tapan Barman made the first application beyond the stipulated period of time. Moreover, as per the counsel for the applicant his case was rejected as per Emp-251 of 2013. However, his father died in 2002 only. The counsel for the respondent has further submitted that even in 2013 circular, it has been categorically stated that all the pending case would be considered. Therefore, the respondent has rightly rejected the claim of the applicant.</i></p> <p><i>We have heard both the parties and perused the records. It is noted that the claim of the applicant for compassionate appointment has been rejected with the following observations;</i></p> <p><i>“5. Clause 14(a) of the Labour Department’s notification No.251-Emp., dated 03.12.2013 states that the application submitted more than two years after death/incapacitation prior to issue of Notification No.30-Emp., dated 02.04.2008 will not be entertained. As per amendments made in Labour Department’s Notification</i></p>	

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	<p><i>No.26-Emp., dated 01.03.2016, clause 10(a) states that application for employment is to be submitted within two years from the date of death or incapacitation. If no application is submitted within the said period, it will be presumed that the family does not require any financial assistance.</i></p> <p><i>6. It appears that Shri Nilratan Barman had applied for the first time for compassionate appointment on 30.08.2007, which is almost five years later from the date of death of Late Kandura Barman. The petitioner could not produce any other document in support of his claim prior to 30.08.2007. No document has been produced in support of his mother's claim also.</i></p> <p><i>7. Ld. Advocate of the petitioner argued that the present case is similar with the case of Shri Tapan Barman (O.A.No.412 of 2011). But in the matter of Tapan Barman vs. State of West Bengal & Ors., Hon'ble West Bengal Administrative Tribunal in its Order dated 03.02.2015 observed that the petitioner filed an application praying for job on</i></p>	

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GM	<p><i>compassionate ground immediately after the death of his father Tara Mohan Barman.”</i></p> <p><i>In view of the above, it is clear that the respondent had dealt with the case of the applicant after considering all the issues as submitted by the applicant presently. Further, the main reason for rejecting the claim of the applicant is non-submission of application within proper time and it is also observed that applicant has not enclosed any documents to prove his claim that he had filed the application within a stipulated period of time. In view of the above, we do not find any reason to entertain the application. Accordingly, the application is dismissed being devoid of merit with no order as to cost.</i></p> <p>P. RAMESH KUMAR MEMBER(A)</p> <p>URMITA DATTA (SEN) MEMBER(J)</p>	