

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

The Hon'ble JUSTICE RANJIT KUMAR BAG

& The Hon'ble DR. SUBESH KUMAR DAS

Case No – OA 1159 OF 2016

ARINDAM CHOWDHURY 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
05 <hr/> 23.04.2018	<p><i>For the Applicant : Mr. G.P. Banerjee, Learned Advocate.</i></p> <p><i>For the Respondents : Mr. S. Ghosh, Learned Advocate.</i></p> <p><i>The applicant has prayed for direction upon the respondents to give compassionate appointment to the applicant on cancellation of letter dated April 22, 2015 issued by the respondent no. 2, by which prayer of the applicant for compassionate appointment was rejected.</i></p> <p><i>It appears from record that one Phalguni Chowdhury died on December 04, 2006, while she was working as Staff Nurse in Medinipore Medical College and Hospital. Phalguni Chowdhury died living behind her husband Bidhan Chowdhury and her son the applicant Arindam Chowdhury as legal heirs. On February 15, 2008 the husband of the deceased employee submitted application for compassionate appointment which was duly considered by the authority concerned and prayer for compassionate appointment was rejected on the ground that there was no need of immediate financial assistance to the family of deceased employee by way of giving compassionate appointment. This rejection of prayer for compassionate appointment was communicated to the</i></p>	

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husband of the applicant on April 22, 2015 under impunged letter (annexure G to the original application). During pendency of the application of the husband of the deceased employee, on May 02, 2013 the husband of the deceased employee submitted another application before respondent no. 4 praying for compassionate appointment of the present applicant. Subsequently, on July 08, 2015 the informal application was also submitted by the applicant. The grievance of the applicant is that the prayer of the present applicant has not yet been considered by the respondents.

Mr. G.P. Banerjee, Learned Counsel representing the applicant submits that prayer of the husband of the deceased employee was rejected on the ground of his age. On consideration of impunged letter marked by annexure G, we find that prayer of the husband of the deceased employee was not only rejected on the ground of age, but also on the ground that there was no need of immediate financial assistance in the form of compassionate appointment . Accordingly, we are unable to accept the contention made on behalf of the applicant that the application of the husband of the deceased employee was rejected on the ground of his age. Mr. S. Ghosh, Learned Counsel representing the state respondents has rightly pointed out that the present applicant submitted informal application for compassionate appointment only after

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rejection of prayer of his father for compassionate appointment. It appears from the materials on record that on May 02, 2013 father of the applicant submitted informal application for compassionate appointment of the applicant after attaining his majority on April 01, 2013. The applicant is praying for compassionate appointment on attaining majority through his father after almost 7 (seven) years from the date of death of his mother. The subsequent informal application was filed by the applicant himself after nine years from the date of death of his mother. Had there been acute financial crisis in the family of the deceased employee, the husband of the deceased employee would not have submitted application for compassionate appointment of his son after lapse of 7 (seven) years from the date of death of the concerned employee and during pendency of his application for compassionate appointment. In view of our above findings, we are constrained to hold that the application of the present applicant submitted through his father initially and thereafter by him cannot be considered by the respondents after rejection of prayer of the father of the applicant for compassionate appointment. Accordingly, the present application is dismissed.

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Let a plain copy of this order be supplied to both parties.

(S.K.DAS)
Member (A)

(R.K.BAG)
Member (J)

H.S