

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- 1286 of 2016.****Sri Pritam Biswas. 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>11</p> <hr/> <p>19/07/2019</p>	<p>For the Applicant : Mr. M.N. Roy, Ld. Advocate.</p> <p>For the State Respondents: N o n e</p> <p><i>The instant application has been filed praying for following relief;</i></p> <p>a) <i>An order do issue directing the concerned respondent authorities to forthwith give appointment to the applicant on Compassionate ground in accordance with the law after quashing/set-aside/cancel/revoke/rescind the Memo No.HNG/208-05-2015/240 dated 24.02.2015.</i></p> <p>b) <i>Any other appropriate order/orders direction/directions as this Hon'ble Tribunal may deem fit and proper to protect the right of the Applicant.</i></p> <p><i>As per the applicant, his mother died on 20.07.2012 leaving behind the applicant and his father (Husband of the deceased employee) and one daughter as her legal heirs. Prior to the death the</i></p>	

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	<p><i>applicant was aged about 16 years. Therefore the father of the applicant applied on his behalf on 19.11.12 before the Director of Health Services praying for compassionate appointment in his favour. However, the case of the applicant was rejected vide communication dated 20.04.15 (Annexure E) on the ground that the applicant was minor at the time of death of his mother. Being aggrieved with, he has filed the instant application. The respondents have filed their reply wherein they have submitted that as per the Labour Department Notification dated 251-Emp dated 03.12.2013, the dependent member should invariably have the minimum age of recruitment within six months from the date of death or incapacitation of the concerned employee. However, as the date of death, the applicant was 26.06.96 thus he would attained majority i.e. 18 years on 26.06.2014, whereas his mother died on 20.07.2012. Thus, as per the Labour Department Notification, he will not attain majority within six months. Therefore, his case was rightly rejected by the respondents.</i></p> <p><i>Heard the parties and perused the records. It is noted that when the mother of the applicant died, he was only 16 years 1 month old. Therefore, as per the Labour Department Notification, he would</i></p>	

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GM	<p><i>not attain the 18 years of age of majority within six months. As compassionate appointment has to be considered as per the scheme of the department and the scheme of the department has specifically stipulated the aforesaid provision, therefore, we do not find any reason to interfere with the decision of the respondents as the respondents have rightly rejected the claim of the applicant as per their scheme. Accordingly, the OA is dismissed being devoid of merit.</i></p> <p>P. RAMESH KUMAR MEMBER(A)</p> <p>URMITA DATTA (SEN) MEMBER(J)</p>	