

**IN THE WEST BENGAL ADMINISTRATIVE TRIBUNAL  
BIKASH BHAVAN, SALT LAKE CITY  
K O L K A T A – 7 0 0 0 9 1**

**Present :-**

**The Hon'ble Mrs. UrmitaDatta(Sen)  
MEMBER ( J )**

**-AND-**

**The Hon'ble Mr. P. Ramesh Kumar  
MEMBER( A )**

**J U D G E M E N T**

**-of-**

**Case No. OA-131of 2015**

**Sonali Sahoo.....Applicant.**

**-Versus-**

**State of West Bengal & others....Respondents**

**For the Applicant :-**

**Mr. K. C. Das,  
Mr. Sk. S. Ali,  
Learned Advocates**

**For the State Respondents :-**

**Mrs. M. Mullick,  
Learned Advocate**

**Judgement delivered on :**

**14-08-2019**

**The Judgement of the Tribunal was delivered by :-  
Hon'bleMrs. UrmitaDatta (Sen), Member(J)**

## J U D G E M E N T

The instant application has been filed mainly challenging the impugned Memo dated 26-06-2012 by which the claim of the applicant for compassionate has been rejected as well as direction upon the respondents to give appointment to the applicant on compassionate ground.

2. As per the applicant, her father voluntary retired on 30-04-2006 with qualifying service of 33 years 1(one) month and 8 (eight) days after serving the department. However, subsequently her father applied for compassionate appointment in her favour. As her application was not considered, being aggrieved with, the applicant approached this Tribunal in OA-514 of 2011, which was disposed of vide order dated 26-04-2012 with a direction to the Director of Health Services i.e. respondent no. 2 to consider the case of the applicant and to communicate their decision within a stipulated period of time. In pursuance to the said order, the Director of Health Services, Govt. of West Bengal vide his communication dated 26-06-2012, had communicated this decision dated 25-06-2012 by way of rejecting the claim of the applicant. Being aggrieved with, the applicant has approached this Tribunal by filing the instant application.

3. The respondents have filed their reply and have submitted that the Director of Health Services, Govt. of West Bengal had rightly rejected the claim of the applicant as the ex-employee, whose date of birth was 15-08-1950 took voluntary retirement on 30-04-2006 after rendering service of 33 years 1(one) month and 8 (eight) days. However, the said employee made an

application for compassionate in favour of his daughter for the first time on 22-12-2010 i.e. after 4(four) years. It has been further submitted that the compassionate appointment is not a matter of right as it is subjected to fulfillment of conditions stipulated in the Labour Department's Notification in case of premature retirement of the concerned employee, he should fulfill the following conditions :-

- (i) On premature retirement he/she would not be entitled to the full pensionary benefits to which he/she would have been entitled if he/she has retired at his/her normal age of superannuation.**
- (ii) He/she has fully exhausted all kinds of leave with pay including commuted leave on medical ground.**
- (iii) The financial conditions of the family is so acute as to make the appointment essential consequent upon the fall in income due to such retirement.**

However the instant case, the Ex-employee retires after serving more than 33 years. Therefore he was eligible to get full pensionary benefits. Even he also had encashed due leave salary. Further the Ex-employee made application for compassionate appointment after 4(four) years from his voluntary retirement. Therefore he does not

fulfill the conditions stipulated in the Labour Department's Notification and accordingly his claim for compassionate appointment in favour of his daughter was rejected.

4. Though the applicant had filed one rejoinder denying the contention of the respondents in general but no specific denial with regard to the specific reasons for rejection has been dealt with.

5. We have heard both the parties and perused the records. It is an admitted fact that the ex-employee took voluntary retirement after rendering 33 years of service and had received not only other pensionary benefits but also availed leave salary. It is further noted that he took voluntary retirement at the age of 56 years and had applied for compassionate appointment in favour of his daughter after 4(four) years when he had already reached the age of superannuation. From the above situation, it is clear that the family did not require any financial assistance immediately. Therefore, in our considered view, the respondents have rightly rejected the claim of the applicant.

6. Accordingly, the OA is dismissed with no order as to cost.

**P. RAMESH KUMAR**  
**MEMBER (A)**

**URMITA DATTA(SEN)**  
**MEMBER(J)**

