

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

The Hon'ble Urmita Datta (Sen) Member (J) & OA-15 of 2016
 The Hon'ble Mr. P. Ramesh Kumar, Member (A)

Kaberi Chakraborty

Vs

The State of West Bengal & Ors.

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with d and dated signature of parties when nec 3
<p style="text-align: center;"><u>12</u> 09.01.2019</p>	<p>For the applicant : Mrs. Pratima Saha Learned Advocate.</p> <p>For the respondent : Mr. S.N. Roy, Mr. S. Ghosh Learned Advocates.</p> <p style="text-align: center;">The instant application has been filed basically praying for compassionate appointment. However, she is not pressing prayer (2) as she has already received the pensionary benefit after obtaining the succession certification issued by competent Court of Law.</p> <p style="text-align: center;">As per the applicant, she is the only child of her parents and her mother died on 30.06.2007. Though she was married at that point of time but her mother was leaving with her being a single child. She had approached the respondent authority several times for getting the retiral benefits of her mother and she made an application for compassionate appointment on 14.10.2015 but till date no action has been taken by the respondent authority in this regard. Being aggrieved, she has filed this instant application in the year 2016.</p>	

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<p style="text-align: center;">12 09.01.2019</p> <p>Page /2</p>	<p style="text-align: center;">The counsel for the respondent has raised a preliminary objection on the point of limitation as the concerned employee died on 2007 and the applicant had applied on 14.10.2015. Further it has been submitted that she was also married at the time of death of her mother. Therefore, she was not dependent on her mother at that point of time. However, counsel for the applicant has submitted that two years after the death of her mother, one matrimonial dispute had arisen and due to this, she is leaving separately from her husband. Therefore, she has financial crisis and the respondents have to consider her case.</p> <p style="text-align: center;">Heard the parties and perused the record. It is noted that Hon'ble Apex Court in the case of Umesh Kumar Nagpal reported in 1994 (4) SCC 138 clearly held that the whole object of granting of compassionate appointment is to enable the family to overcome the immediate financial crisis occurred due to sudden demise of the bread earner. Therefore, mere death of an</p>	

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<p style="text-align: center;">12</p> <hr/> <p style="text-align: center;">09.01.2019</p> <p>SC</p>	<p>employee in harness does not entitle his family for compassionate appointment. The compassionate appointment has to be considered as per scheme or rule framed by the executive of the different authority concerned and the compassionate appointment cannot be granted after lapse of reasonable period of time. In this instant case, the applicant was the single child of her parents and was married at the time of death of her mother. There was no such dispute that her husband was staying with her at that point of time. Therefore, there is no question of financial crisis at the time of death of her mother. Accordingly, we do not find any reason to entertain the instant application. Even, she submitted application for compassionate appointment after a long lapse of time. Accordingly OA is dismissed with the above observation and direction with no order as to costs.</p> <p style="text-align: center;">P. RAMESH KUMAR MEMBER (A)</p> <p style="text-align: center;">URMITA DATTA (SEN) MEMBER (J)</p>	

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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
Page /3 10 ----- 14.09.2018		

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P/4 10 ----- 14.09.2018		

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P/5 10 ----- 14.09.2018		

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