

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

The Hon'ble Justice Ranjit Kumar Bag  
& The Hon'ble Subesh Kumar Das

Case No – OA 264 OF 2016  
TAMAL SARKAR Vs. STATE OF WEST BENGAL & ORS.

| Serial No. and Date of order.<br>1                        | Order of the Tribunal with signature<br>2  | Office action with date and dated signature of parties when necessary<br>3 |
|---|--|--|
| <p style="text-align: center;"><u>10</u><br/>15.03.18</p> | <p>For the Applicant : Mr.P.Chakraborty<br/>Learned Advocate</p> <p>For the Respondent : Mr.S.Ghosh<br/>Learned Advocate</p> <p>The applicant has filed this application under Section 19 of the Administrative Tribunals Act, 1985 praying for direction upon the respondents to give appointment to the applicant on compassionate ground.</p> <p>It appears from the materials on record that one Jayanti Roy (Sarkar) died on August 10, 2009 while she was working as Demonstrator in the office of Deputy Director of Textiles (Sericulture) Malda. The applicant being the son of deceased Jayanti Roy (Sarkar) submitted application for compassionate appointment on November 17, 2009, which was processed by the respondents and ultimately, the claim of the applicant for compassionate appointment was rejected by the Respondent No.2, Commissioner of Textiles &amp; Sericulture, Government of West Bengal by passing an order dated May 30, 2017 during pendency of the present application.</p> |  |

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|                                       | <p>It appears from the order dated May 30, 2017 passed by the Respondent No. 2 that the father of the applicant was a Government employee at the time of death of the mother of the applicant and <b>that</b> the father of the applicant received family pension due to death of the mother of the applicant, in addition to the salary drawn by him as Government employee. The Respondent No.2 refused the claim of the applicant for compassionate appointment on the ground that there was no acute financial crisis in the family of the deceased employee due to employment of the husband of the deceased employee. Learned Counsel representing the applicant submits that the father of the applicant is living separately from the applicant and thereby, the applicant is facing financial crisis in maintenance of the family. The order passed by the Respondent No. 2 on May 30, 2017 indicates that the applicant can claim maintenance from his father if the applicant is unable to maintain himself. Without deciding the above issue of maintenance of the applicant, we can safely hold that there was no acute financial crisis in the family of the deceased employee immediately after death as the father of the applicant was a serving Government employee at the relevant</p> |  |

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| BLR                                   | <p>point of time. In view of our above findings, we do not find any merit in the present application.</p> <p>As a result, the original application is dismissed.</p> <p>Let a plain copy of the order be supplied to both parties.</p> <p style="text-align: center;">(S.K.Das)<br/>MEMBER(A)</p> <p style="text-align: center;">(R.K.Bag)<br/>MEMBER (J)</p> |  |