

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

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

Case No OA- 281 OF 2017
SOUMI MONDAL Vs. 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 |
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| <p style="text-align: center;"><u>06</u> 05.04.18</p> | <p>For the Applicant : Mr.A.Chakraborty Learned Advocate</p> <p>For the Respondent : None</p> <p>The applicant has prayed 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 Swapan Kumar Mondal died on May 30, 2013 while he was working as U.D. Assistant under Khargram I.C.D.S. Project in the district of Murshidabad. Mr.Swapan Kumar Mondal died leaving behind his wife Kalpana Mondal, his married daughter poulomi Mondal and his unmarried daughter Soumi Mondal as legal heirs. The present applicant Soumi Mondal submitted informal application on August 19, 2013 praying for compassionate appointment as one of the dependent members of the family of the deceased employee. Subsequently, on October 25, 2013, the applicant submitted formal application for compassionate appointment along with all necessary documents including no objection from other legal heirs in the form</p> | |

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| | <p>of an affidavit. The prayer of the applicant for compassionate appointment was rejected and the said fact was communicated to the applicant under letter dated March 11, 2015 (Annexure G to the original application).</p> <p>Learned Counsel for the applicant submits that the prayer of the applicant for compassionate appointment was rejected as the income of the family of the deceased employee exceeded 180% of last gross pay drawn by the deceased employee, which is not justified. According to Learned Counsel, the breakup of income of the family of the deceased employee is not disclosed in the letter dated March 11, 2015.</p> <p>None appears on behalf of the State Respondents. No report has been submitted on behalf of the State Respondents in compliance with the direction given by the Tribunal.</p> <p>The question for consideration of the Tribunal is whether prayer of the applicant for compassionate appointment was rejected in an arbitrary and illegal manner by the State Respondents. On perusal of the</p> | |

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| | <p>formal application for compassionate appointment submitted by the applicant, we find that the applicant has disclosed that her mother and she have been living with family and the mother was earning Rs. 33,704/- as Government employee at the time of death of the father of the applicant. The contents of formal application also disclose that the mother of the applicant was getting Rs. 9,505/- per month as family pension in addition to her monthly salary of Rs. 33,704/- and interest on the retirement benefits like Rs. 5,40,000/- as G.P.F., Rs.40,000 as Group Insurance, Rs.2,83,440/- as leave encashment and Rs. 6,00,000/- as Death Gratuity. On consideration of the income of the family of the deceased employee as disclosed in the formal application by the applicant, we are constrained to hold that there was no acute financial crisis in the family of the deceased employee for giving compassionate appointment to any dependent member of the family of the said deceased employee. In view of our above findings, we cannot persuade ourselves to intervene in the order of rejection communicated to the applicant under letter dated March 11, 2015. We do not</p> | |

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| BLR | <p>find any merit in the present application. As a result, the application is dismissed.</p> <p>Let a plain copy of the order be supplied Learned Counsel for the applicant.</p> <p>(S.K.Das) MEMBER(A)</p> <p>(R.K.Bag) MEMBER (J)</p> | |