

**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-298 of 2018.****Nemai Roy. 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>01</p> <hr/> <p>08/08/2018</p>	<p>For the Applicant : Mr. Subit Kumar Mondal, Advocate.</p> <p>For the State Respondents: Mr. Soumendra Narayan Ray, Advocate.</p> <p><i>Affidavit of service filed be kept on record. The instant application has been filed for challenging the impugned order dated 08.12.2015 by which his candidature was rejected that the deceased employee was not appointed on regular basis against regular vacancy. Therefore, there is no scope of compassionate appointment. The counsel for the respondent has raised the preliminary objection on the point of limitation. As the impugned order was passed on 08.12.15 and the instant application has been filed on 03.05.2018 i.e. after a gap of almost three years. The, counsel for the applicant has submitted that he made a demand justice through his Advocate on 07.02.18 and therefore, he has filed the instant application. Heard the parties and perused the records. It is observed that the instant application has been filed after a long gap of time without any application for</i></p>	

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Form No.

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GM	<p><i>condonation of delay. Therefore, mere making representation after three years would not automatically condone the delay, neither the cause of action would continue. Further, the compassionate appointment is not a matter of right and subject to the fulfilment of the condition stipulated in the scheme for compassionate appointment. In the instant case, the compassionate appointment prayer was rejected on the ground of not being regular employee as per different orders of the Labour Department.</i></p> <p><i>Accordingly, we do not find any reason to entertain the matter. The OA is <b>dismissed</b> with above observation.</i></p> <p style="text-align: center;"><b>P. RAMESH KUMAR</b> <b>MEMBER(A)</b></p> <p style="text-align: center;"><b>URMITA DATTA (SEN)</b> <b>MEMBER(J)</b></p>	