

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- 338 of 2019.Antara Majumder. 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>03</p> <hr/> <p>26/06/2019</p>	<p>For the Applicant : Mrs. Malabika Roy De, Ld. Advocate.</p> <p>For the State Respondents: Mr. M.N. Roy, Ld. Advocate.</p> <p><i>The instant application has been filed praying for following relief:-</i></p> <p>i) Direct the respondent authorities, their men, agents, and servants to immediately consider and/or allow the prayer of the applicant for absorption on compassionate ground without any further delay.</p> <p>ii) Direct the respondent authorities to compensate the applicant appropriately for such inordinate delay in consideration of his case for appointment on compassionate ground, which has caused immense mental and physical pain and agony to the applicant as well as his family, over the years;</p> <p>iii) Direct the respondent authorities to produce the records of the case and after perusal of the same pass</p>	

ORDER SHEETAntara Majumder.
.....

Form No.

Vs.**The State of West Bengal & Others.**Case No OA- 338 of 2019.

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 style="text-align: center;"><i>appropriate order(s).</i></p> <p style="text-align: center;"><i>iv) Give any other or further relief(s) to which the instant applicants are entitled to, as this Learned Tribunal deems fit and proper.</i></p> <p style="text-align: center;"><i>According to the applicant, her father died on 11.06.2008 leaving behind his wife and the applicant (the only daughter), who was 12 years of age at that point of time (Annexure D). Thereafter, the mother of the applicant again approached before the authority on 13.11.2014 praying for consideration of the compassionate appointment of her daughter (applicant) in place of her. However, the claim of the applicant was rejected vide order dated 26.03.18, which was again communicated by communication order dated 11.03.2019. As per the applicant, her case was rejected for non-fulfilment of the existing rules with regard to the compassionate appointment. However, as per the applicant, since her case was considered by the department, she should be granted compassionate appointment.</i></p> <p style="text-align: center;"><i>The counsel for the respondent has vehemently objected and submitted that the applicant was minor at the time of death of her father. Even the mother of the applicant</i></p>	

ORDER SHEET

Antara Majumder.

Form No.

Vs.**The State of West Bengal & Others.**Case No OA- 338 of 2019.

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><i>subsequently had applied for compassionate appointment in favour of the applicant. As per the circular/notification issued time to time by the department with regard to the compassionate appointment, the prayer for compassionate appointment is not transferable one. Therefore, the authority has rightly rejected the claim of the applicant.</i></p> <p><i>We have heard both the parties and perused the records. It is noted that the respondent had rejected the claim of the applicant on the ground of non-fulfilment of the existing rules. It is admitted fact that as per the circular /notification of the department, minor cannot be considered for compassionate appointment. Further, the mother of the applicant had made application for compassionate appointment after a long time that is in the year 2014 only and that too in place of her own application. It is also noted that the applicant even has not challenged the said order of rejection nor the department circular. It is settled principles of law that the compassionate appointment is not a matter of right but to extend the compassionate appointment to overcome sudden financial crisis caused due to sudden demise of the only bread earner and is always guided by the circulars /</i></p>	

ORDER SHEET

Antara Majumder.

Form No.

Vs.**The State of West Bengal & Others.**Case No OA- 338 of 2019.

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
GM	<p><i>notification and rules of the concerned department. As the scheme for compassionate appointment has a specific debarment with regard to the minor issue as well as transferability of the claim of the compassionate appointment, we do not find any reason to entertain the instant application. Accordingly, the OA is dismissed being devoid of merit with no order as to cost.</i></p> <p>P. RAMESH KUMAR MEMBER(A) URMITA DATTA (SEN) MEMBER(J)</p>	