

J U D G E M E N T

The petitioner being aggrieved by the impugned order Memo No. HPA/G-18/2014/Nadia/A-3772/1 dated 1.6.15 of Director of Health Services wherein his prayer for compassionate appointment was rejected by the competent authority and prayed for the following relief;

- a) A mandatory order directing and commanding the respondents and more particularly respondent No.2 the Director of Health Services, West Bengal to cancel rescind and/or withdraw the memo No.HPA/G-18/2014/Nadia/A-3772/1 dt. 01.06.2015 being annexure 'G' to this application and not to give any effect or further effect to the said memo and to appoint the applicant in a suitable post according to his Educational Qualification on compassionate ground from death in harness category and to act in accordance with law.
- b) An order directing the respondents to certify and transmit the records of this case to this Hon'ble Tribunal so that conscionable justice may be administered by quashing the impugned memo.
- c) To pass such other or further order or orders as to this Hon'ble Tribunal may deem fit and proper."

The counsel for the applicant has argued that the father of the petitioner met with an accident and expired on 24.1.2010. The mother of the applicant has preferred an application to BMOH, Dhubulia. The said application was forwarded by BMOH with a comment that the proposed Suman Majumder son of the deceased, was below 18 years and forwarded the same to CMOH, Nadia which was duly forwarded by CMOH, Nadia to Director, Health Services.

The counsel for the respondent has submitted that as on the date of death of the father of the applicant, the applicant was 15 years old and the mother of the applicant as on that date was a government employee and this case is not befitting case as per rules existed.

Heard the counsels for both the parties. After perusing of the documents available two issues have come forward, it is noted that the applicant was minor of 15 years old at the time of the death of his father and his mother was a government employee. Hence, question of financial distress does not arise as pointed out by Director of Health in the said impugned order, which is found to be correct after perusing the

legal heir certificate as there are only two members in the deceased family i.e. mother, who at the point of death of her husband is a government employee and the minor son, the applicant. Apart from that compassionate appointment is not a matter of right and waiting for the minor son to become major for years will automatically frustrate the purpose of the scheme and defeats the cause of financial distress. Hence, we found no merit in this case. Accordingly, the OA is dismissed being devoid of merit with no order as to costs.

P. RAMESH KUMAR
MEMBER (A)

URMITA DATTA (SEN)
MEMBER (J)

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