

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

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

Case No – OA 559 of 2014.

Ratnakar Maji –Vs- State of W.B. & 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
<p>15 06.06.2018.</p>	<p>For the Applicant : Mr. S. Mondal, Ld. Adv.</p> <p>For the State Respondent: None.</p> <p>The applicant has prayed for direction upon the respondents to give appointment to the applicant in Group D post on compassionate ground.</p> <p>One Gurupada Maji died on July 12, 2004 while he was working as Sweeper in the office of Kelejora Prathamik Swastha Kendra. Gurupada died leaving behind his wife Saraswati Maji, two daughters Smt. Anjali Mondal and Smt. Manuju rani Maji and one son Ratnakar Maji , the present applicant as legal heirs. The applicant submitted application in prescribed format for compassionate appointment. The claim of the applicant for compassionate appointment was considered by the respondents, but ultimately the claim was rejected. The said fact was communicated to the respondent No. 3 by the respondent no. 2 under letter dated December 23, 2008. The applicant has filed the present application without challenging the said impugned letter dated December 23, 2008, which is now placed by the applicant and the same is kept on record.</p>	

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	<p>None appears on behalf of the state respondents, but the state respondents have filed one reply which is on record. Ld. Counsel for the applicant submits that the claim of the applicant has been rejected in an arbitrary way.</p> <p>Ultimately, the father of the applicant died on July 12, 2004. No scheme or notification for giving compassionate appointment to the dependants of the deceased Government employee at the relevant point of time is forthcoming before us. It appears from paragraph 14 of Notification No. 97-Emp dated June 06, 2005 issued by the Labour Department, Government of West Bengal that the application received from the dependant of the deceased Government employee prior to the date of issuance of Notification dated June 06, 2005 will be dealt with in accordance with the provisions of the said Notification dated June 06, 2005. Accordingly, the claim of the applicant for compassionate appointment will be governed by Notification No. 97-Emp dated June 06, 2005 issued by the Labour Department, Government of West Bengal. On consideration of paragraph 2 of the said Notification dated June 06, 2005, we find that the dependant of any deceased Government employee is</p>	

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	<p>entitled to get compassionate appointment on fulfilment of the following two conditions :</p> <p>(i) The employee must have died before completion of twenty years of service or before attaining age of fifty years, whichever is earlier,</p> <p>(ii) The members of family of the deceased employee must be in need of immediate financial assistance for survival of the family.</p> <p>In the instant case, the claim of the applicant was rejected on the ground that the father of the applicant died after completion of 22 years of service. Accordingly, the claim of the applicant for compassionate appointment was rightly rejected in accordance with the provision of Notification No. 97-Emp dated June 06, 2005 issued by the Labour Department, Government of West Bengal, by which the applicant is governed for compassionate appointment. We do not find any merit in the present application. As a result, the present application is dismissed.</p> <p>(S.K.Das) Member (A)</p>	<p>(R.K.Bag) Member (J).</p>

Skg.

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