

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

The Hon'ble Mrs. Urmita Datta (Sen), Member (J)

OA -622 of 2019

Umme Salma Vs The 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
<p style="text-align: center;">07 27.01.2020</p>	<p>For the petitioner : Mrs. Sonali Mitra, Learned Advocate.</p> <p>For the respondent : Mr. A. De, Departmental Representative.</p> <p style="text-align: center;">The Division Bench is not sitting today.</p> <p style="text-align: center;">As per Notification No.87-WBAT/1E-08/2003(Part-II) dated 21.01.2020 issued by the Hon'ble Chairman, West Bengal Administrative Tribunal under Sub-Section (6) of Section 5 of the West Bengal Administrative Tribunals Act, 1985 the following order has been passed sitting singly.</p> <p style="text-align: center;">Last chance was granted to the applicant to satisfy the Court on the point of limitation on 17.12.2011. As per the respondents, the case of the applicant for compassionate appointment was rejected vide order dated 04.02.2016 by way of reasoned and speaking order, wherein it has been categorically stated that the applicant was minor at the time of death of the deceased employee. Further, as the mother of the applicant was a teacher in a Govt. aided school,</p>	

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<p style="text-align: center;">07 27.01.2020</p> <p>Page /2</p>	<p>therefore, the total income of the family after death of the deceased employee have been much higher than the last gross emoluments drawn by the deceased employee. Therefore, the applicant did not fulfil the criteria stipulated for compassionate appointment. Hence, her case was rightly rejected by the respondents.</p> <p style="text-align: center;">Heard the parties and has gone through the documents. It is noted that the instant OA has been filed challenging the order dated 04.02.2016 in the year 2019 only. Therefore, the instant application is barred by limitation for more than three years and though the applicant was granted enough opportunity to satisfy the Court on the point of limitation, however, she did not submit anything with regard to the point of limitation. From the perusal of the impugned order dated 04.02.2016, it is noted that the respondents have already considered the case of the applicant. However, he was not found fit due to her minor age at the time of her father's death as well as on the ground that the family of the applicant did not need of any financial assistance as the income of the family is more than that of the last</p>	

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<p style="text-align: center;">07 ----- 27.01.2020</p> <p style="text-align: center;">sc</p>	<p>gross emoluments drawn by her deceased father. It is observed that the main purpose to provide compassionate appointment to tide over sudden financial crisis caused due to sudden demise of the deceased employee. As the applicant having sufficient means of livelihood and could have wait for long four years to get majority, therefore, in my considered opinion, the respondents have rightly rejected the claim of the applicant.</p> <p style="text-align: center;">Accordingly, OA is dismissed not only on the ground of limitation but also being devoid of merit.</p> <p style="text-align: center;">URMITA DATTA (SEN) MEMBER (J)</p>	

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