

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-****The Hon'ble Justice Ranjit Kumar Bag****& The Hon'ble Subesh Kumar Das****Case No OA- 707 OF 2016****RAMKRISHNA PATRA Vs. 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;"><u>09</u> 09.04.18</p>	<p>For the Applicant : Mrs.S.Agarwal Learned Advocate</p> <p>For the Respondent : Mr.M.N.Roy Learned Advocate</p> <p>The applicant has prayed for direction upon the respondents to give compassionate appointment to the applicant on setting aside the order of rejection of prayer for compassionate appointment which was communicated to the applicant under letter dated June 13, 2016 issued by the Assistant Secretary to the Government of West Bengal, Department of Home (Police) (Annexure-K to the original application).</p> <p>It appears from the materials on record that one Aditya Bhusan Patra died on March 18, 1995 while he was working as Constable of West Bengal Police at Amdangra Police Out Post under Police Station Taldangra in the district of Bankura. The contention of the applicant is that Aditya Bhusan Patra died leaving behind his wife, 5 daughters and the applicant as son. Admittedly, the applicant was four (04) years old at the time of death of his father. On November 03, 2009, the applicant submitted application for compassionate</p>	

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	<p>appointment on attaining majority. The said application was processed and ultimately on June 13, 2016, the Assistant Secretary to the Government of West Bengal, Department of Home (Police) communicated to the applicant about the fact of rejection of prayer of the applicant for compassionate appointment.</p> <p>Mrs.Agarwal, Learned Counsel for the applicant submits that the prayer of the applicant for compassionate appointment was decided on the basis of Notifications No. 251-EMP dated December 3, 2013 and 26-EMP dated March 01, 2016 issued by the Labour Department, Government of West Bengal, though the said notifications were not in force at the time of death of the father of the applicant.</p> <p>We fully agree with the submission of Mrs.Agarwal that prayer of the applicants should have been considered on the basis of the notifications which were in force at the time of death of the father of the applicant. Since the applicant submitted application after fourteen (14) years of death of his father, we are constrained to hold that there was no acute financial crisis in the family of the deceased employee for which</p>	

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BLR	<p>compassionate appointment can be given to any dependent member of the said family. Had there been immediate financial crisis in the family of the deceased employee, any eligible member of the family of the deceased employee would have submitted application immediately after the death of the employee, without waiting for attaining majority of the minor applicant for prolonged period of fourteen (14) years. The presumption of not filing any application for compassionate appointment by any of the dependants of the deceased employee for long fourteen (14) years is that no acute financial crisis was caused by the death of the bread-winner of the family. In view of our above findings, we cannot persuade ourselves to set aside or cancel the order of rejection of prayer of the applicant for compassionate appointment. The original application is, thus, dismissed.</p> <p>Let a plain copy of the order be supplied to both parties.</p> <p style="text-align: center;">(S.K.Das) MEMBER(A)</p> <p style="text-align: right;">(R.K.Bag) MEMBER (J)</p>	