

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

Hon'ble Justice Soumitra Pal, Hon'ble Chairman.  
& Hon'ble Mr. P. Ramesh Kumar, Administrative Member.

Case No. OA 836 of 2018.

HEMANTA MAITY & Ors – 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>3 9.1.2019.</p>	<p>For the Applicants : Mrs. S. Agarwal, Advocate.</p> <p>For the State Respondent : Mr. S. Ghosh, Advocate.</p> <p>This is an assigned matter as evident from the notice dated 21<sup>st</sup> December, 2018.</p> <p>Affidavit of service filed today be kept on record.</p> <p>In this application the applicants have challenged the reasoned order dated 10<sup>th</sup> August, 2018 passed by the Principal Secretary, Water Resources Investigation and Development Department (W.B.R.I.D.) – the respondent no. 1 rejecting the prayer for grant of compassionate appointment to Hemanta Maity the applicant.</p> <p>It appears that Kajal Kanti Maity,- an ex-operator, was attached to the office of Khanakul-I Development Block, Hooghly . Kajal Kanti Maity was born on 6<sup>th</sup> February, 1957. He entered into service on 18<sup>th</sup> June, 1976 and expired on 4<sup>th</sup> March, 2006 leaving behind Hemanta Maity, the son- the applicant no. 1 , Mrs. Anima Maity, wife – the applicant no. 2 and Smt. Mahua Maity (Bhowmick), - daughter – applicant no. 3. Soon after the</p>	

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	<p>death of Kajal Kanti Maity, the wife of the applicant filed an application on 22<sup>nd</sup> November, 2006 praying for her appointment on compassionate ground. Later the applicant no. 2 had given up his prayer and the applicant no. 1, the son on 22<sup>nd</sup> August, 2012 filed an application for compassionate appointment. It is submitted by Mrs. S. Agarwal, learned advocate for the applicant that since the family is in distress and as the issue is covered by orders passed by Courts, appropriate order may be passed.</p> <p>Mr. S. Ghosh, learned advocate appearing on behalf of the State respondent submits that the applicant no. 1 at the time of death of Kajal Kanti Maity, was twelve years of age. The notification dated 6<sup>th</sup> June, 2005 lays down two essential criteria for appointment of the dependent of deceased employee on compassionate ground. Since the applicant no. 1 does not fulfil any of the criteria, no order may be passed. Since the application for appointment of the applicant no. 1 was made after six years from the date of death of Kajal Kanti Maity, there was no need of immediate financial assistance.</p> <p>Heard learned advocates for the parties.</p>	

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	<p>Admittedly Kajal Kanti Maity expired on 4<sup>th</sup> March, 2006. The notification dated 6<sup>th</sup> June, 2005 lays down two essential criteria for appointment of the dependant of the deceased employee on compassionate ground - first, the employee had expired or retired before completing twenty years of service or before attaining the age of fifty years, whichever is earlier and secondly the family of the deceased or the retired employee, as the case may be , is in need of immediate assistance and appointment of the dependant of the employee is absolutely essential for survival of the family. It appears from record that Kajal Kanti Maity had completed twenty years of service on 18<sup>th</sup> June, 1996 and is not eligible on the first ground.</p> <p>So far as the need of immediate assistance is concerned, we find that the death of Kanjal Kanti Maity took place on 4<sup>th</sup> March, 2006 and the applicant had waited for six years to file the application for appointment on compassionate ground. The delay of six years negates the condition of immediate assistance. Therefore, no order is passed as the applicant does not fulfil any of the crieteria. Hence, the impugned reasoned</p>	

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Skg.	<p>order dated 10<sup>th</sup> August, 2018 requires no interference. The application is disposed of.</p> <p>(P. Ramesh Kumar) Member(A).</p> <p>(Soumitra Pal) Chairman.</p>	