

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

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

Case No OA- 903 OF 2017  
JHUMA HARI 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>02</u> 03.04.18</p>	<p>For the Applicant : Mr.A.Hati Learned Advocate</p> <p>For the Respondent : None</p> <p>The applicant has prayed for direction upon the respondents to give appointment to the applicant on compassionate ground by quashing the letter dated August 22, 2017 issued by the Respondent No.2 (iii), by which prayer of the applicant for compassionate appointment was rejected.</p> <p>The contention of the applicant is that her father Bijan Kumar Hari died on October 29, 2006 while he was working as Group-D employee under Public Works Department, Government of West Bengal. The further contention of the applicant is that her prayer for compassionate appointment was rejected in an arbitrary and illegal manner. Learned Counsel for the applicant contends that prayer of the applicant for compassionate appointment was rejected without citing relevant Government Order by which the case of the applicant would be governed. He further submits that the income of the members of the family of the deceased employee has</p>	

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Form No. ....

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	<p>not been taken into consideration for rejection of prayer of the applicant for compassionate appointment.</p> <p>On perusal of impugned letter dated August 22, 2017, we find that the relevant notification has not been quoted by the Respondent No.2 (iii). However, the said Respondent No.2 (iii) has rejected the prayer for compassionate appointment on the following two grounds : first, application was submitted after lapse of six (06) years from the date of death of the concerned employee and secondly, there was no financial crisis in the family of the deceased employee as the mother of the applicant was a Government employee at the time of death of the father of the applicant. Since the concerned employee died on October 29, 2006, we are of the view that the case of the applicant for compassionate appointment will be governed by Notification No. 97-EMP dated June 6, 2005 issued by the Labour Department, Government of West Bengal. On consideration of the said notification and on consideration of the fact that the mother of the applicant was a Government employee at the time of</p>	

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BLR	<p>death of the father of the applicant, we are of the view that there was no financial crisis in the family of the deceased employee and as such the prayer of the applicant for compassionate appointment was rightly rejected by the concerned respondent. In view of our above findings, we are constrained to hold that there is no merit in the present original application. The original application is, thus, dismissed.</p> <p>Let a plain copy of the order be supplied to Learned Counsel for the applicant.</p> <p style="text-align: center;"> <b>(S.K.Das)</b>  <b>MEMBER(A)</b> </p> <p style="text-align: center;"> <b>(R.K.Bag)</b>  <b>MEMBER (J)</b> </p>	