

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

The Hon'ble Mrs. Urmita Datta (Sen), Member (J) &  
The Hon'ble P. Ramesh Kumar, Member (A).

OA- 969 of 2019

Ajay Rabi Das 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><u>05</u> 05.02.2020</p>	<p>For the petitioner : Mrs. Sonali Mitra, Learned Advocate.</p> <p>For the respondent : Mr. S. Ghosh, Learned Advocate.</p> <p>Affidavit of service has been filed. Let it be kept with the record.</p> <p>The instant application has been filed challenging the impugned order dated 23.07.2019 whereby the case of the applicant was rejected on the ground that the applicant was only six years eleven months and five days old at the time of death of his father. As per the applicant, the father of the applicant died on 16.05.1999 leaving behind his wife, two sons (applicant being the elder son). Subsequently the mother of the applicant applied for compassionate appointment in favour of the applicant on 17.06.2005. However, ultimately the case of the applicant was rejected vide order dated 23.07.2019. Counsel for the applicant has submitted that the mother of the applicant is also being declared as incapacitated thus she could not apply for</p>	

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<p style="text-align: center;">05</p> <hr/> <p style="text-align: center;">05.02.2020</p> <p>Page /2</p>	<p>compassionate appointment for her own and has prayed for compassionate appointment in favour of the applicant.</p> <p style="text-align: center;">Counsel for the respondent has drawn our attention that the applicant was six years old only at the time of death of his father and as per the scheme for compassionate appointment, no minor child could be entertained for compassionate appointment. Further the mother of the applicant was in good health at the time of death of her deceased husband thus she could have approached for compassionate appointment at that point of time.</p> <p style="text-align: center;">We have heard and perused the record. It is noted that admittedly the applicant was six years old (app) at the time of death of his father and also his father died in the year 1999, which means the mother of the applicant could have approached for compassionate appointment if they had financial crisis after the death of her deceased husband. Further, the mother of the applicant had also approached the authority after a long time in the year 2005 only. It is settled principle of law</p>	

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<p style="text-align: center;">05 05.02.2020</p> <p style="text-align: center;">sc</p>	<p>that compassionate appointment is not a matter of right but to extend the benefit to tide over the sudden financial crisis caused due to the sudden demise of the sole bread earner and that to be granted as per the scheme of the concerned deptt. within a reasonable period of time.</p> <p style="text-align: center;">In the instant case, father of the applicant died in the year 1999 and his mother approached the authority in the year 2005, therefore, they could have sustained their life without any financial assistance during this long period though the mother of the applicant was eligible for claiming the compassionate appointment. However, they have awaited for attaining of the majority of the applicant. Therefore, the main purpose of the compassionate appointment has been frustrated.</p> <p style="text-align: center;">Thus, we are of the considered opinion that the respondent has rightly rejected the claim of the applicant. Accordingly, OA is dismissed being devoid of merit.</p> <p style="text-align: center;"><b>P. RAMESH KUMAR</b> <b>MEMBER (A)</b></p> <p style="text-align: center;"><b>URMITA DATTA (SEN)</b> <b>MEMBER (J)</b></p>	



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