

**ORDER SHEET**  
**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Present ---  
The Hon'ble  
&  
The Hon'ble  
sanjib

**Case No. O.A.-900 of 2013**  
**SIKHA KHAMARU -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;">17 12.02.2018</p>	<p><b>For the Applicant</b> : Mrs. S. Mitra, Learned Advocate.</p> <p><b>For the Respondents</b> : Mr. S. Ghosh, Learned Advocate.</p> <p>The applicant has filed this application under section 19 of the Administrative Tribunals Act, 1985 challenging the letter dated November 15, 2008 issued by the respondent no. 3 in favour of the applicant and also the memo dated October 23, 2008 issued by the Joint Director of Health Services (Personnel), Government of West Bengal in favour of the respondent no. 3, by which prayer of the applicant for compassionate appointment was rejected.</p> <p>It appears from the materials on record that the husband of the applicant Sudhansu Khamaru died on July 11, 2003 while he was working as Dark Room Assistant at NRS Medical College &amp; Hospital, Government of West Bengal. The applicant submitted application for compassionate appointment in the month of February 2007 which was taken into consideration by the Director of Health Services, Government of West Bengal. On October 23, 2008, the Joint Director of Health Services (Personnel), Government of West Bengal communicated to the respondent no. 3 about the fact of rejection of the application for compassionate appointment. The fact</p>	

**ORDER SHEET****SIKHA KHAMARU**

Form No. ....

*Vs.*The State of West Bengal & Ors.  
.....Case No. O.A.-900 of 2013

of refusal to grant compassionate appointment to the applicant was communicated by the respondent no. 3 on November 15, 2008 (Annexure-D to the original application). The said letter dated November 15, 2008 and letter dated October 23, 2008 are under challenge in the present original application.

Mrs. Mitra, Learned Counsel for the applicant submits that the applicant was ignorant of the procedure for submission of the application for compassionate appointment and as such delay took place in submission of the application for compassionate appointment. She further submits that the applicant was not communicated the reasons for refusal of compassionate appointment by serving copy of letter dated October 23, 2008 on the applicant and as such the applicant could not approach the Tribunal within the period of limitation.

Mr. Ghosh, Learned Counsel for the state respondents submits that the applicant was aware of the contents of the letter dated October 23, 2008 issued by the Joint Director of Health Services (Personnel), Government of West Bengal as the reference of the said letter is given in the letter dated November 15, 2008 which is annexed to the original application as Annexure-D. He further submits that the applicant has specifically challenged the said letter dated October 23, 2008 in the prayer of the

**ORDER SHEET****SIKHA KHAMARU**

Form No. ....

*Vs.*The State of West Bengal & Ors.  
.....Case No. **O.A.-900 of 2013**

original application and as such the applicant had full knowledge about the letter dated October 213, 2008.

Having heard Learned Counsel representing both the parties and on consideration of the facts of the present case, we find that the applicant submitted the application for compassionate appointment after almost 4 years from the date of death of the husband of the applicant. This inordinate delay of about 4 years in submission of the application for compassionate appointment indicates that there was no immediate financial crisis in the family of the deceased employee. Had there been acute financial distress in the family of the deceased employee, the applicant would have submitted the application for compassionate appointment promptly after the death of her husband. We are unable to accept the contention made on behalf of the applicant that the applicant could not approach for compassionate appointment out of ignorance.

There is no dispute that the applicant received copy of the letter dated November 15, 2008 by which prayer of refusal for compassionate appointment was communicated to the applicant. The reasons for rejection of the application for compassionate appointment were communicated by the Joint Director of Health Services (Personnel) in the letter dated October 23, 2008 which is referred to in the

**ORDER SHEET****SIKHA KHAMARU**

Form No. ....

*Vs.*The State of West Bengal & Ors.  
.....Case No. **O.A.-900 of 2013**

letter dated November 15, 2008 received by the applicant. If the applicant was interested to know about the reasons for rejection of her application, she would have approached the respondent no. 3 for supply of copy of the letter dated October 23, 2008 issued by the Joint Director of Health Services (Personnel) and reflected in the letter dated November 15, 2008.

In view of our above observation, we are unable to accept the contention made on behalf of the applicant that the applicant was not aware of letter dated October 23, 2008 issued by the Joint Director of Health Services (Personnel), Government of West Bengal. Since the applicant was aware of rejection of prayer for compassionate appointment in the year 2008 and since the applicant approached the Tribunal by filing the original application on July 22, 2013 without any cogent explanation for condonation of the said delay, we are of the view that the present application is barred under section 21 of the Administrative Tribunals Act, 1985.

In view of our above findings, this application is dismissed.

Plain copy to both parties.

**( S.K. DAS )**  
MEMBER(A)

**( R. K. BAG )**  
MEMBER (J)

Sanjib