

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-****The Hon'ble Mrs. Urmita Datta (Sen), Member(J)****The Hon'ble Mr. P. Ramesh Kumar, Member (A)****Case No – OA-1372 of 2014.****Md. Golam Nabi Azad + Another. Vs The State of West Bengal & Others.**

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>14</p> <hr/> <p>07/01/2019</p>	<p>For the Applicant : Mr. M.N. Roy, Mr. Gourav Halder, Ld. Advocates.</p> <p>For the State Respondents: Mr. Sunita Agarwal, Ld. Advocate.</p> <p><i>The instant application has been filed praying for following relief;</i></p> <p><i>(a) An order do issue directing the concerned respondent authorities to revoke/cancel/quash setting thereby aside the Memo No.HPA/G-264/2007/A6353 Kolkata, 13.10.2009 and also HPA/G-264/2007/A2169/1 Kolkata, 19/03/2010, wherein the prayer of your applicant has been rejected for employment on compassionate ground, being annexure "D" to this instant application and to reconsider the case of your applicant for employment on compassionate ground in accordance with law, within a stipulated time period.</i></p> <p><i>(b) A further order to issue directing the concerned respondent authorities to forthwith issue appointment letter to your applicant No.1 for any Group D/C post under the respondent</i></p>	

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	<p><i>authorities commensurate to his educational qualification after proper assessment in accordance with law without any further delay.</i></p> <p><i>(c) An order do issue directing the respondent authorities to dispose of the representations of the applicant made before them which has been duly received bhy them in accordance with law after giving a [erspmme; hearing within a stipulated time period.</i></p> <p><i>(d) An order do issue directing the respondent authorities to transmit all the records pertaining to the instant case before this Hon'ble Tribunal so that conscionable justice can be done.</i></p> <p><i>(e) Any other appropriate order/orders direction/directions as this Hon'ble Tribunal may deem fit and proper to protect the right of the Applicant and in the ends of justice.</i></p> <p><i>(f) Leave may be granted under Rule 4(5) A of Administrative Rules 1991 to move this application jointly as the relief prayed for is same.</i></p> <p><i>As per the applicant his father died on 28.04.2004 leaving behind his wife, two sons including the applicant and one married daughter. After the</i></p>	

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	<p><i>death of his father, the applicant and his mother approached the authority for compassionate appointment. However, his prayer was rejected by the authority on 13.10.2009 (Annexure D) basically on the ground that the brother of the applicant is in government service. Further, they have also received lump sum amount. Therefore, there is no financial crisis. However, subsequently on the basis of application made by the mother of the applicant on the ground that his elder son is residing separately, the authority had again considered the case of the applicant. However, the authority after re-examination of the prayer had rejected the claim of the applicant on the self-same ground vide order dated 19.03.2010. As per the applicant, he again preferred an application before the authority and till date of filing of the application no steps have been taken on that account. Being aggrieved he has filed the instant application.</i></p> <p><i>The respondents have filed their written statements wherein it has been stated that in earlier three occasions the case of the applicant was considered but he was not found fit as the mother of the applicant was getting pension out of two brothers including the applicant, the other brother is in government service and the sister is already</i></p>	

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GM	<p><i>married. Moreover, the applicant's father died in the year 2004. Thus, there is no immediate financial need of the family. Therefore, the counsel for the respondents has prayed for rejection of the OA.</i></p> <p><i>We have heard both the parties and perused the records. It is noted that admittedly the brother of the applicant is in government service and the sister is already married. Mother is getting her pension. Further, his prayer was also earlier rejected on 2009 and 2010, which was not challenged by the applicant at that point of time. Therefore, we do not find any merit to entertain the OA. Accordingly, the application is dismissed being hopelessly barred by limitation as well as being devoid of merit.</i></p> <p style="text-align: center;">P. RAMESH KUMAR MEMBER(A)</p> <p style="text-align: center;">URMITA DATTA (SEN) MEMBER(J)</p>	