

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-1036 of 2017.****Rekha Mullick. 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>02</p> <hr/> <p>03/07/2018</p>	<p>For the Applicant : Mr. Mainul Islam, Advocate.</p> <p>For the State Respondents: Mrs. Sunita Agarwal, Advocate.</p> <p><i>Affidavit of service filed be kept with the record.</i></p> <p><i>According to the applicant her husband died on 27.10.2013. Thereafter the certificate of death was issued on 20.06.2013 Annexure F. He made representation before the Hospital Authority on 03.08.2015 (Annexure G) praying for compassionate appointment. He made a further representation dated 07.03.2017 by speed post on 08.03.2017 (Annexure H) praying for compassionate appointment as well as service benefit. Since no action has been taken by the respondent authority being aggrieved he has filed the instant application.</i></p> <p><i>The counsel for the respondent has raised preliminary issue on the point of limitation. As the concerned employee died in the year 2013 and the according to the counsel for the respondent the so-called representation dated 13.08.2015 is without signature and there is no receipt of the respondent authority. Therefore, said representation cannot be taken into account. Lastly, the applicant had made a representation in the year 2017 only since the</i></p>	

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Rekha Mullick.

Form No.

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GM	<p><i>compassionate appointment is not a matter of right. The main purpose of the compassionate appointment would suffer.</i></p> <p><i>Heard the parties and perused the records. It is noted that the main representation dated 03.08.2015 is also without any signature and the nomination for death gratuity is not signed or sealed by any official authority. Therefore, it cannot be accepted as a valid document. However, it is noted that the concerned employee died in the year 2013 and the representation he has made in 2017 only. The applicant approached this Tribunal in the year 2018 and for such delay no cogent reason has been shown by the applicant. Therefore, we are unable to entertain the application at a belated stage. The main purpose for the compassionate appointment has been frustrated due to lapse of long period of time. Accordingly, the OA is dismissed with the above observation.</i></p> <p><i>Plain copy to both the sides.</i></p> <p>P. RAMESH KUMAR MEMBER(A)</p> <p>URMITA DATTA (SEN) MEMBER(J)</p>	