

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-1090 of 2015.**Koyel Bagchi 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 style="text-align: center;">06</p> <p style="text-align: center;">-----</p> <p style="text-align: center;">07-01-2020</p>	<p>For the Applicant : Mr.S. Halder, Mr.S. Barman, Advocates.</p> <p>For the State Respondents : Mr. S. N. Roy, Advocate.</p> <p>The instant application has been filed mainly challenging the impugned order dated 25-08-2015 whereby the prayer of the applicant for compassionate appointment has been rejected.</p> <p>As per the applicant, his father died on 07-12-2008 when he was 17 years 4 months and 25 days old. As she was minor at that point of time, she made an application on 20-08-2009 for compassionate appointment. However on the earlier occasion also her case was</p>	

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	<p>rejected by the authority. Being aggrieved with, he preferred an application of OA-642 of 2015, which was disposed of by directing the authority to reconsider the case of the applicant by way of reasoned and speaking order and in pursuance to that the authority passed a reasoned order dated 25-08-2015. Being aggrieved with, she has filed the instant application.</p> <p>Since it is the case of 2015 and place the order of 25-08-2015. It is noted that the case of the applicant is rejected mainly on 3(three) grounds :-</p> <p>(1) The father of the applicant was not a regular employee due to non-completion of 10 years continuous service as he was a work charged employee.</p> <p>(2) The applicant was minor at the time of death of his father and as per Notification</p>	

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	<p>No. 30-EMP dated 02-04-2008 and Notification No. 251-EMP dated 03-12-2013, the application for employment has to be filed within 6(six) months from the date of death of the deceased employee but the applicant has filed the application after more than 8(eight) months from the date of death of her father.</p> <p>(3) It is a settle principal of law that compassionate appointment is not a matter of right. However it has to be considered as per scheme of the concerned department. It has been observed that the scheme of the department minor cannot be considered for compassionate appointment or department cannot wait for minor to be major for consideration of compassionate appointment. It has been admitted by the applicant that she was minor at the time of death of her father and she applied for compassionate appointment after 8(eight) months. Moreover, deceased employee is not a regular employee at all. Therefore</p>	

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Mihir	<p>there is no question of considering the case of the applicant for compassionate appointment as the scheme of the compassionate appointment is only meant for regular government employee.</p> <p>In view of the above, we do not find any reason to interfere with the decision of the respondents. Accordingly, the OA is dismissed being devoid of any merit.</p> <p>P. RAMESH KUMAR MEMBER(A)</p> <p>URMITA DATTA (SEN) MEMBER(J)</p>	