

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

**The Hon'ble JUSTICE RANJIT KUMAR BAG
& The Hon'ble DR. SUBESH KUMAR DAS**

Case No – OA 232 OF 2017

GOPAL MONDAL 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;">06</p> <hr/> <p>15.03.2018</p>	<p><i>For the Applicant : Mr. G. Halder, Learned Advocate.</i></p> <p><i>For the Respondents : Mr. R.A. Chowdhury, Learned Advocate.</i></p> <p><i>The applicant has prayed for direction upon the respondents to give appointment to the applicant on compassionate ground by filing the original application Under Section 19 of the Administrative Tribunals Act, 1985.</i></p> <p><i>It appears from the materials on record that the father of the applicant died on August 20, 1997 while he was working as Constable under the Superintendent of Police, South 24-Parganas. The mother of the applicant submitted one informal application before the Superintendent of Police, South 24-Parganas on October 28, 1998 praying for appointment of the applicant on compassionate ground. It appears from the said informal application dated October 28, 1998 that the age of the applicant was 9 years at the time of death of his father. The case of the applicant was processed and ultimately prayer of the applicant was rejected on the ground that the applicant was minor at the time of death of his father.</i></p>	

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Learned Counsel representing the applicant submits that the case of the applicant will be governed by Notification No. 251-Emp. dated December 3, 2013 issued by the Labour Department, Government of West Bengal. On perusal of the said Notification, we find that the case of the minor applicant can be considered for compassionate appointment if the said applicant attains majority within a period of six months from the date of death of the deceased employee. In the instant case, the applicant was 9 years old at the time of death of his father and he attained majority long after 9 years from the date of death of his father and as such we do not find any illegality in rejection of the prayer of the applicant for compassionate appointment.

In view of our above finding, the original application is dismissed.

Let a plain copy of this order be supplied to both the parties.

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

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

H.S