

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-360 of 2019.**Ankita Ray 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;">07</p> <p>-----</p> <p style="text-align: center;">12-09-2019</p>	<p>For the Applicant : Mr. B. C. Manna, Mrs. A. Manna, Advocates.</p> <p>For the State Respondents : Mr. B. P. Roy, Advocate.</p> <p>The instant application has been filed mainly praying for a direction upon the respondents to grant employment in favour of the petitioner on compassionate ground. As per the applicant, her father died on 28-08-2004. Thereafter her mother made a representation to the Superintendent, R. G. Kar Medical College and Hospital on 28th March, 2006 with a prayer to keep one post vacant for her minor daughter till she attain majority. As per the applicant, subsequently she made an application in 2002 and she further made a representation on 14-06-2010 (Annexure-J). Thereafter she filed one O.A. on self same cause of action in OA-856 of 2018. However she withdrew the said</p>	

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	<p>application with a liberty to file fresh one and this Tribunal vide order dated 08-01-2019 had dismissed the same application as withdrawn subject to limitation. Subsequently she has filed the instant application. As per the applicant, since she was minor, she could not file any application within time before the Tribunal.</p> <p>However the Counsel for the respondent has raised preliminary objection on the point of res judicata as well as limitation. As per the Counsel for the respondent, the father of the applicant died in 2004 and she approached this Tribunal in 2018 for the first time. Moreover, as per the scheme of the State Government, government cannot wait a minor to attain majority. The main purpose of granting compassionate appointment is to tide over the sudden financial crisis caused at the time of death of the deceased employee. Therefore the family of the deceased employee who could have survived for long, no application for compassionate appointment can be entertained</p>	

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	<p>after a long time.</p> <p>We have heard both the parties and perused the records. It is noted that admittedly the father of the applicant died in 2004 and the mother of the applicant made an application praying for keeping one post reserved for her daughter instead of asking for compassionate appointment in her favour in the year 2006. Subsequently as per the claim of the applicant, she made a representation in 2010. However there is no prove that the same application was ever received by the respondent authority. Subsequently she has filed one representation in 2018 and approached this Tribunal but withdrew the said application and ultimately filed this application on self same cause of action.</p> <p>As the main purpose of compassionate appointment is to grant financial assistance to the family of the deceased employee which occurred due to the sudden demise of the sole earning member. Therefore in our considered</p>	

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Mihir	<p>opinion, if the applicant could have survived from 2004 to 2018 without any assistance as there is a scope for the mother of the applicant to approach the authority for compassionate appointment in her favour and she had chosen not to do so. Therefore as the compassionate appointment is not a matter of right and after lapse of so many years, the instant application is not entertainable. Thus, we do not find any reason to entertain the application which is hopelessly barred by limitation as no cogent reason has been shown for such delay except the issue of majority which is not acceptable in the instant case.</p> <p>Accordingly, the OA is dismissed, which is hopelessly barred by limitation as well as being devoid of merit, with no order as to cost.</p> <p>P. RAMESH KUMAR MEMBER(A)</p> <p>URMITA DATTA (SEN) MEMBER(J)</p>	

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