

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-382 of 2017.Abdus Samad Sarkar + 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 style="text-align: center;">07</p> <p>-----</p> <p>06-02-2019</p>	<p>For the Applicants : Mr. J. Dey, Advocate.</p> <p>For the State Respondents : Mrs. M. Mullick, Advocate.</p> <p>The instant application has been filed praying for a direction to the respondents to consider the case of the applicant no. 2 for compassionate appointment. As per the applicant no. 1, his wife died on 02-05-2007. Thereafter he made representation before the authority on 12-09-2007 praying for compassionate appointment in favour of his son who was 11 years of age at the time of submission of the application. However no communication has been received by the applicant. Being aggrieved with, he has filed the instant application.</p> <p>No reply has been filed though enough opportunity was granted to the respondent.</p>	

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	<p>However the Counsel for the respondent has raised the preliminary objection on the point of limitation as the wife of the applicant no. 1 died in 2007 but the instant application has been filed in the year 2017 only. Moreover the application no. 2 was minor at that point of time and as per department's circular, the case of the minor cannot be entertained after attaining his majority. Therefore she has prayed for dismissal of the application.</p> <p>Heard the parties and perused the records. It is noted that the employee concern died in the year 2007 though the husband of the applicant was 47 years of age at that point of time and had submitted a representation for consideration for the case of his minor son for compassionate appointment after attaining his majority but he did not make any application in favour of him or stated anything about the financial status of the applicant. Moreover, the instant application has been filed after 10 years after the death of the wife of the applicant. It is settled principles of law that the compassionate</p>	

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Mihir	<p>appointment is not a matter of right, which can be availed at any point of time that too after a long lapse of time for filing the instant application. In the instant case the application has been filed after 10 years even in the application, the applicant has only enclosed one subsequent representation of 2017 only and there is no whisper whether the applicant has taken any step to know the outcome of the application of the applicant no. 1 & 2. Therefore in our considered view that the main purpose of compassionate appointment has already been frustrated after a lapse of time.</p> <p>Therefore we do not find any merit to entertain the OA. Accordingly, the OA is dismissed with the above observations.</p> <p>P. RAMESH KUMAR MEMBER(A)</p> <p>URMITA DATTA (SEN) MEMBER(J)</p>	

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