

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-625 of 2016.**Bachchu Das 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>16</p> <p>-----</p> <p>28-02-2020</p>	<p>For the Applicant : Mr. G. Dinda, Advocate.</p> <p>For the State Respondents : Mr. A. De, Mrs. R. Sarkar, Departmental Representatives.</p> <p>The instant application has been filed mainly challenging the order dated 25-01-2016 passed by the Joint Secretary, Govt. of West Bengal, Land and Land Reforms Department. As per the applicant, his father died on 31-01-2008, when he was minor and subsequently after getting majority, he applied for compassionate appointment on 20-12-2010. However his case was ultimately rejected by the highest authority vide order dated 25-01-2016/16-02-2016 on the following grounds :-</p> <p>i) The applicant, Shri Bachchu Das was under age (15 years 10 months 9 days of age) on the date of death of his father.</p>	

ORDER SHEET

Bachchu Das.

Form No.

Vs.**The State of West Bengal & Others.**Case No. **OA-625 of 2016**

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	<p>ii) He submitted application after 2 years of his father's death i.e. after expiry of admissible period of application.</p> <p>As per the applicant since his mother was illiterate and he was minor, he could not approach the authority. However the learned authority had recommended his name and he should be granted appointment.</p> <p>During the course of the hearing, the Counsel for the applicant has also referred the case of Syed Khadim Hussain Vs. State of Bihar & Ors. reported in 2006 (9) SCC 195 and has prayed for extension of the benefit of the said judgement.</p> <p>We have heard the parties and perused the records. As per settled law as well as per decision of Hon'ble Apex Court in the case of Umesh Kumar Nagpal Vs. State of Haryana reported in 1994 (4) SCC 138, wherein it has been held that the compassionate appointment is not a matter of right. The whole object of</p>	

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	<p>granting compassionate appointment is to enable the family to overcome the sudden financial crisis caused due to the sudden demise of sole bread earner. However, mere death of a family member in harness does not entitle his family to such source of livelihood and such extension of compassionate appointment have necessarily to be made as per the Rules or by executive instructions issued by the government concerned. However, the said cannot be granted after lapse of a reasonable period of time. In the instant case, admittedly the applicant was minor and as per the claim of the department concerned, compassionate appointment cannot be considered neither for a minor dependent nor the department can wait for long time for such appointment. If the family is facing acute financial crisis than any of the other family member could have approached for compassionate appointment.</p> <p>In the instant case, since the deceased family can wait for more than eight years for compassionate appointment, that shows that</p>	

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	<p>they do not need of any immediate financial assistance from the department for compassionate appointment.</p> <p>The case of Syed Khadim Hussain is also distinguishable as in the said case there is no bar to entertain the case of minor after a long time or after attaining the majority, however, in the scheme of the State Govt. for compassionate appointment, there is a specific bar to wait for minor.</p> <p>However the departmental representative of the respondent has submitted as per the scheme of the Govt. of West Bengal, about a minor cannot be granted compassionate appointment nor the department can wait for attaining majority for minor. Further the applicant has also made representation after 2(two) years from the death of his father. Therefore as per the scheme of the Labour Department the respondents have rightly rejected the case of the applicant.</p> <p>We have hearing both the parties and</p>	

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Mihir	<p>perused the records. It is noted that admittedly the applicant was minor at the time of death of his father and made representation after 2(two) years. It is further noted that the applicant has earlier come to this Tribunal whereby the Tribunal directed the authority to take final decision and no further direction for compassionate appointment.</p> <p>In view of the above, we do not find any reasons to interfere with the decision of the respondents. Accordingly, OA is dismissed being devoid of merit.</p> <p>P. RAMESH KUMAR MEMBER(A)</p> <p>URMITA DATTA (SEN) MEMBER(J)</p>	