

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-657 of 2019.**Sumita Murmu. 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;">03</p> <p style="text-align: center;">-----</p> <p style="text-align: center;">30-09-2019</p>	<p>For the Applicants : Mr. S. Ghosh, Mr. G. Halder, Mr. R. K. Mondal, Advocates.</p> <p>For the State Respondents : Mrs. S. Agarwal, Advocate.</p> <p>The instant application has been filed praying for a direction upon the respondent to consider the prayer for appointment on compassionate ground. As per the applicant, her mother died on 24th May, 2011 leaving behind the husband and the applicant as a married daughter. Subsequently the applicant had approached the District Magistrate and Collector, Birbhum for issuance of legal heir certificate, who in-turn had issued a legal heir certificate dated 16-01-2012 (Annexure-B). In the mean time, the applicant had approached for compassionate appointment before the authority and also files proforma application</p>	

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	<p>but no decision has been communicated to the applicant. Being aggrieved with, he has filed the instant application.</p> <p>As per the Counsel for the applicant though the applicant as a married daughter. However the mother of the applicant was the second wife of Sri Jogesh Chandra Murmu.</p> <p>The Counsel for the respondent has vehemently submitted that the application is hopelessly barred by limitation. Further this is an admitted fact on the part of the applicant that she was married at the time of death of her mother and the applicant could not enclose any document to show her any dependency upon her mother as she was only child of her mother. Therefore the Counsel for the respondent has prayed for dismissal of the OA.</p> <p>We have heard both the parties and perused the record. It is noted that the</p>	

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	<p>applicant has admittedly the married daughter of the deceased employee, who is the second wife of Sri Jogesh Chandra Murmu as has been claimed by the applicant. However no document has been shown to establish that she was dependent upon her mother as she was already married at that point of time and not dependent upon the ex-employee. Further the mother of the applicant died in 2011 and the applicant approached this Tribunal in 2019 only and that too without any valid explanation for such delay. Therefore in our considered opinion that the compassionate appointment is not a matter of right, basically such type of appointment is extended to help the dependent family member to tide over the sudden financial crisis occurred due to the sudden demise of the sole bread earner. Therefore the applicant, who was staying with her husband could have sustained for a long time and mere making representation before the authority cannot condone the limitation as she did not approach this Tribunal immediately thereafter if she was</p>	

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Mihir	<p>in a need of financial help. Accordingly, we do not find any reason to entertain the OA since the application is hopelessly barred by limitation and also being devoid of merit. According the OA is dismissed being devoid of merit.</p> <p>P. RAMESH KUMAR MEMBER(A) URMITA DATTA (SEN) MEMBER(J)</p>	