

RAJATAVA BHATTACHARJEE

- vs -

State of West Bengal & Others.Case No. OA- 846 / 2017

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;"><u>3</u> 12.03.2018</p>	<p>For the Applicant : Mr. Tarun Kumar Das Learned Advocate</p> <p>For the Respondent: Mr. Apurba Lal Basu Learned Advocate</p> <p>The applicant has challenged the order dated July 7, 2017 passed by the Principal Secretary, Department of Food and Supply, Government of West Bengal as illegal, arbitrary, mala fide and bad in law by filing the original application under Section 19 of the Administrative Tribunals Act, 1985.</p> <p>The backdrop of passing the impugned order by the Principal Secretary, Department of Food and Supply, Government of West Bengal is as follows : One Runu Gopal Bhattacharjee, father of the applicant died on October 8, 1999 while he was working as U.D.C. in the office of the District Controller of Food & Supplies, Dakshin Dinajpur. On</p>	

RAJATAVA BHATTACHARJEE

- vs -

State of West Bengal & Others.Case No. OA- 846 / 2017

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>December 15, 1999 the applicant submitted an application for compassionate appointment which was duly considered by the authority concerned and the said application was rejected on December 18, 2000. The ground of rejection of the application for compassionate appointment was that the monthly income of the family of the deceased employee exceeded 90% of the gross salary drawn by the deceased employee at the time of death. It is pertinent to point out that mother of the applicant Arpana Bhattacharjee was working as Extra Departmental Branch Post Master at Khidirpur Post Office and drawing salary of Rs. 2,300/- per month at the time of death of the father of the applicant. The mother of the applicant also used to get family pension to the tune of Rs.6,525/- per month after the death of the father of the applicant. Being aggrieved by the order of rejection of the application for compassionate appointment, the applicant approached this Tribunal by filing O.A. No. 249 of 2001, but allowed the said original application to be dismissed for non-prosecution on September 28, 2001. After lapse of</p>	

RAJATAVA BHATTACHARJEE

- vs -

State of West Bengal & Others.Case No. OA- 846 / 2017

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>almost 15 years the applicant again approached the Tribunal by filing O.A. No. 1302 of 2016 praying for same relief of getting compassionate appointment. By virtue of order dated April 7, 2017 passed by this Tribunal in connection with O.A. 02 of 2016, the impugned order was passed by the Principal Secretary, Department of Food and Supply, Government of West Bengal which is under challenge in the present application.</p> <p>The question for consideration of the Tribunal is whether the impugned order passed by the Principal Secretary, Department of Food and Supply, Government of West Bengal is illegal, arbitrary, mala fide and bad in law as contended on behalf of the applicant.</p> <p>Having heard the Learned Counsel representing the respective parties and on consideration of the impugned order under challenge in the original application, we find that the</p>	

RAJATAVA BHATTACHARJEE

- vs -

State of West Bengal & Others.Case No. OA- 846 / 2017

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>application for compassionate appointment was rejected on December 18, 2000 on the ground that monthly income of the family of the deceased employee exceeded 90% of gross salary of the said deceased employee at the time of his death. The natural corollary of the above observation is that there was no acute financial crisis in the family of the deceased employee for giving compassionate appointment to the applicant. Learned Counsel representing the applicant has urged the Tribunal to consider that the income of the deceased family did not exceed 90% of gross salary of the deceased employee at the time of death, but the amount of gross salary of the deceased employee at the time of death has not been disclosed anywhere in the original application. Nor has Learned Counsel representing the applicant has positively responded to the query made by us about gross salary of the deceased employee at the time of his death. Accordingly, we have no other alternative than to hold that what has been observed in the impugned order with regard to monthly income of the deceased employee should be</p>	

RAJATAVA BHATTACHARJEE

- vs -

State of West Bengal & Others.Case No. OA- 846 / 2017

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>accepted by the Tribunal. In the absence of any evidence to the contrary, we would like to hold that the monthly income of the family of the deceased employee exceeded 90% of gross salary of the deceased employee at the time of his death as observed in the previous order of rejection of the application for compassionate appointment on December 18, 2000 and also in the impugned order under challenge in the present application.</p> <p>The fact of filing the second application for compassionate appointment after almost fifteen years of rejection of the first application for compassionate appointment unerringly points out that there was no financial crisis in the family of deceased employee immediately after death of the said employee for the purpose of giving compassionate appointment to the applicant.</p> <p>In view of our above findings we have no hesitation to hold that there is no basis for making the allegation that the</p>	

RAJATAVA BHATTACHARJEE

- vs -

State of West Bengal & Others.Case No. OA- 846 / 2017

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
SCN.	<p>impugned order under challenge in the original application is arbitrary or illegal or mala fide or bad in law. The logical inference is that the reasoned order passed by the Principal Secretary, Department of Food and Supply, Government of West Bengal on July 17, 2017 is legal and valid. As a result, we are not inclined to interfere in the said reasoned order passed by the Principal Secretary, Department of Food and Supply, Government of West Bengal.</p> <p>The original application is, thus, dismissed.</p> <p>Let a plain copy of the order be supplied to both parties.</p> <p>(S.K. Das) MEMBER (A)</p> <p>(R.K. Bag) MEMBER (J)</p>	