

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-869 of 2019.Tapan Roy + 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
05 ----- 02-03-2020	<p>For the Applicants : Mrs. S. Agarwal, Advocate.</p> <p>For the State Respondents : Mr. S. Ghosh, Advocate.</p> <p>The instant application has been filed challenging the impugned order dated 25-03-2019 whereby the case of the applicant was rejected holding inter alia :-</p> <p>“After that, this Directorate received No. 3131-WI/O/Law-01/2015 dated 25-09-2018, from the Administrative Department wherein it appears that a personal hearing of the applicants was conducted on 24-07-2018 under the Chairmanship of Principal Secretary, Water Resources Investigation & Development Department and it was found that copy of application dated 03-05-1999 attached with the counter objection is different from the copy attached with the</p>	

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	<p>Original Application filed by the applicants and accordingly, seven days opportunity was given to the applicant(s) to furnish the receipt copy of applications dated 03-05-1999 and 11-12-2001 respectively, but they failed to furnish it.</p> <p>It was also observed that Sri Apurba Roy not Sri Tapan Roy was the first candidate proposed for the job on compassionate appointment. Later, he withdraws his application in favour of his elder brother Sri Tapan Roy. But, at that time he was in service in a School, so it was inferred that there was no need to give immediate assistance in form of job on compassionate ground to the family and thereby the Administrative Department retained his earlier stand and opined that”..... Hence the Department comes to the conclusion that the rejection of the prayer of Smt. Nidhu Rani Roy for compassionate appointment in favour of Sri Tapan Roy is found to be proper.”</p>	

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	<p>Subsequently a Compliance Report was filed before the Hon'ble Tribunal on 27-09-2018 on behalf of the alleged Contemnor.</p> <p>In view of the above facts and circumstances, in terms with the solemn order & judgment dated 04-05-2015 of the Hon'ble Tribunal passed in O.A. No. 1433 of 2014 (Smt. Nidhu Rani Roy & Another –VS- State of West Bengal & Others), the case of the applicant(s) for a job on compassionate ground in view of the letter No. 1862/WI/N/Estt.(Cell-II)/12A-12/2008 dated 01-09-2011 and No. 971/Est.-24 dated 26-12-2013 is hereby considered and rejected”.</p> <p>As per the applicant, his case was considered by the authority earlier. Therefore the Secretary should not reject his case.</p> <p>The Counsel for the respondent has drawn our attention to the impugned order and has submitted that the brother of the applicant earlier approach for compassionate appointment and subsequently when he got</p>	

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	<p>another job the applicant approached the authority for his job. From the above, it is clear when his brother has got job, there is no financial need for the family, as the compassionate appointment is not a matter of right.</p> <p>Heard the parties and perused the records. It is a settle principle of law that the compassionate appointment is not a matter of right. The whole object of granting compassionate appointment is enabling the family to overcome the sudden financial crisis caused due to sudden demise of the only bread earner. However mere death of an employee in harness does not entitled his family to such source of livelihood and such mode of appointment should not be granted after lapse of a reasonable period. In the instant case, admittedly the elder brother of the applicant was considered earlier. However when he got job elsewhere, the applicant approached the authority after a lapse of 8(eight) years for consideration of his case. From the above, it is</p>	

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Mihir	<p>clear when the brother of the applicant has got job elsewhere, the main financial crisis has come into end. Therefore the applicant cannot claim compassionate appointment as a matter of right.</p> <p>Therefore in our considered view, the respondents have rightly rejected the claim of the applicant. Accordingly, the OA is dismissed being devoid of merit.</p> <p>P. RAMESH KUMAR MEMBER(A) URMITA DATTA (SEN) MEMBER(J)</p>	