

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-978 of 2018.**Nur Alam 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 |
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| <p>05</p> <p>-----</p> <p>14-08-2019</p> | <p>For the Applicant : Md. Ahsanussman, Advocate.</p> <p>For the State Respondent : Mr. A. De, Nos. 1,3,5,6,7& 8 Departmental Representative.</p> <p>As per the applicant, his father died on 19-03-2001, thereafter he approached before the authority for compassionate appointment on 06-12-2017. However, the respondent authority had rejected his case vide order dated 12-10-2018 (Annexure – P/10) on the ground that the applicant's father died on 19-03-2001 and he approached for compassionate appointment after 16 years. In the mean time, the claim for compassionate appointment of the applicant's mother was rejected by the authority way back in 2001 after considering the financial condition. Being aggrieved with, he has filed the instant application.</p> <p>As per the applicant, his mother earlier approached the authority for</p> | |

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| | <p>compassionate appointment. However she was never communicated with any decision. Further though the respondent had made comment that the prayer for the mother of the applicant was rejected in 2001, however she was interviewed in 2002.</p> <p>The Departmental Representative for the respondents have vehemently submitted that the application is not maintainable as the application for compassionate appointment was submitted before the authority after 16 years from the date of death of the deceased employee even when the applicant was minor i.e. 7(seven) years 2(two) months old. It has been further submitted that in the impugned order there is typographical error in the year 2001 in place of 2002. However even the mother of the applicant never approached this Tribunal challenging the non-action on the part of the respondents as claimed by the applicant. It has been further submitted that on the earlier occasion the applicant approached this Tribunal in OA-78 of 2018 and withdrew the application without any leave. Therefore he cannot file this application</p> | |

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| | <p>again.</p> <p>We have heard both the parties and perused the records. It is an admitted fact that the concerned employee expired on 19-03-2001 and the applicant had approached before the authority on 06-12-2017 i.e. after more than 16 years. However, even if, we have to accept the contention of the applicant that the earlier prayer for compassionate appointment made by his mother was not rejected or communicated to him, in that event also it is an admitted fact that the mother of the applicant never approached this Tribunal challenging the non-action on the part of the respondents for non-considering her case within a stipulated period of time. It is a settle principle of law that the main purpose of granting compassionate appointment is to give financial assistant to overcome the financial crisis caused due to sudden demise of the sole bread earner and obviously immediately but, in the instant case though the mother of the applicant probably had approached before the authority and the authority even if not communicate any decision</p> | |

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| Mihir | <p>to the mother of the applicant, the mother of the applicant should have approached this Tribunal with her grievance. Therefore since she never agitated against such non-action till today. Therefore, this cannot be a valid ground for quashing of the impugned order as the respondents had rightly rejected the claim of the applicant who was minor at the time of death of ex-employee and had approached the authority after more than 16 years of time when the claim of the mother is still pending with the authority. However as per the respondents they have already rejected the claim of the mother of the applicant. Therefore in our considered opinion as the compassionate appointment is not a hereditary right which can be claimed at any point of time, 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)</p> <p>URMITA DATTA (SEN) MEMBER(J)</p> | |

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