

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- 348 of 2015.Sandip Maiti. 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;">04</p> <hr/> <p>18/06/2019</p>	<p>For the Applicant : Mr. S.Roy, Ld. Advocate.</p> <p>For the State Respondents: Mr. S.K. Mondal, Ld. Advocate.</p> <p style="text-align: center;"><i>The instant application has been filed praying for following relief;</i></p> <p>a) <i>A Mandatory order directing the respondents concerned to give appointment to the petitioner in the Government service under Group 'C' post.</i></p> <p>b) <i>To rectify the order being HAD/2C-01-14/A 1105 dated 27.02.2014 and also the order being No.CMOH/Pas-Mid/Gr-D/1750 dated 05.03.2014 being annexure "G" and "H" respectively.</i></p> <p>c) <i>To direct the respondents to authenticate and transmit the records of the petitioner's case as well as Government Orders and/or Circular which are relevant in the instant case and after perusing the records of the petitioner's case and orders and/or circulars a consciable justice to render to the petitioner.</i></p> <p>d) <i>To pass other order or order or direction or directions as your Lordships made deem fit</i></p>	

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	<p><i>and proper.</i></p> <p><i>As per the applicant, he is the brother of the deceased employee who died on 16.01.1998 leaving behind his parent and three brothers. Subsequently, the applicant applied for compassionate appointment and ultimately vide order dated 26.02.2014 he was found fit for appointment in the office of Khirpai BPHC under Ghatal Sub-Division as General Duty Attendant (Group D) as per existing rules and was offered for the same. The applicant had also joined the said post on 11.03.2014 (forenoon). However, according to the applicant all along he had applied for Group C posts. But, he was offered with the post of Group D. Being aggrieved with, he has challenged the order dated 27.02.2014 and 05.03.2014. The counsel for the respondent has vehemently submitted that though the applicant had applied for Group C post. However, he was found fit for the post of General Duty Attendant(GDA) Group D as per the existing rules and circulars and was offered for the said post which he had accepted and joined. Therefore, after joining the said post without any protest, he cannot challenge the order of appointment at the subsequent time.</i></p> <p><i>We have heard the parties and perused the</i></p>	

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GM	<p><i>records. It is an admitted fact that the applicant had already joined the said post as per the offer letter dated 27.02.14 and 05.03.14 in the post of Group D without any protest. However, subsequently he had approached this Tribunal challenging the said offer of appointment. As he has already joined the said post of Group D, in our considered view, he has already waived his right to challenge the said order. Further, the main purpose of the compassionate appointment is to provide immediate need of financial assistance to overcome financial crisis caused due to the sudden death of the bread earner. As the said purpose has already been achieved by way of offering the post of Group D which, the applicant had already accepted, therefore, he has no vested right to ask for any specified post. Accordingly, we do not find any reason to interfere with the decision of the authority. Therefore, in view of the above, the OA is dismissed being devoid of merit with no order as to cost.</i></p> <p>P. RAMESH KUMAR MEMBER (A)</p> <p>URMITA DATTA (SEN) MEMBER(J)</p>	