

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 – MA-159 of 2018(OA-699 of 2018).Mahesh Khaling (Rai). 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>01</p> <p>-----</p> <p>14-11-2018</p>	<p>For the Applicant : Mr.D. K. Mukherjee, Advocate.</p> <p>For the State Respondents : Mr.S. Ghosh, Mr. R. A. Chowdhury, Advocates.</p> <p>Affidavit of service is filed be kept on record.</p> <p>The instant application has been filed basically praying for compassionate appointment due to the death of the father of the applicant who died on 16-03-2001. Thereafter the applicant made prayer for compassionate appointment on 20-03-2007. However till date no steps has been taken. According to the applicant his case was forwarded by the Development Officer In-Charge, Superintendent of Sericulture, Kalimpong to the Joint Director of Sericulture, North Zone, Siliguri on 30-03-2007(Annexure – B). Thereafter no communication has been</p>	

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	<p>received by the applicant with regard to his compassionate appointment till date. Being aggrieved with, he has filed the instant application. The applicant has also filed one MA application for condonation of delay wherein he has stated that since no action was taken in the mean time the applicant made further prayer on 02-01-2018. It has been further submitted that due to non-co-operation and discouraging comments by the authority verbally while receiving any application for compassionate appointment, the unintentional delay was caused for preferring the instant application.</p> <p>The Counsel for the respondent has raised the preliminary objection on the point of limitation. It has been further submitted that the applicant's father died in the year 2001 wherefrom the applicant approached the authority for the first time in 2007. Therefore the main purpose of compassionate appointment has already been frustrated.</p>	

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	<p>Moreover he had approached this Tribunal after 11 years of long time that too without any cogent reason for such delay. Therefore he has prayed for dismissal of the MA as well as the OA.</p> <p>Heard both the parties and perused the record. It is noted that the applicant's father died in the year 2001 and he approached the authority for compassionate appointment in 2007 only. Even, he approached this Tribunal on 30th August, 2018 wherein no cogent reason for such delay has been stated. As the compassionate appointment is not a matter of right, such unexplained delay for approaching the Tribunal under Section 21 is a hindrance to condone the delay as well as to entertain the OA. Therefore, the main purpose of the compassionate appointment has become frustrated as held by the Hon'ble Apex Court.</p> <p>In view of the above, we do not find any reason to entertain MA for condonation of delay. Therefore MA is rejected consequentially</p>	

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Mihir	<p>the OA is also dismissed in view of the above observations.</p> <p>P. RAMESH KUMAR MEMBER(A)</p> <p>URMITA DATTA (SEN) MEMBER(J)</p>	