

Tribunal Application

Present:

The Hon'ble Justice Pranab Kumar Chattopadhyay

And

The Hon'ble Justice Mr. Abdul Ghani

Judgment on 06.09.2010

W.P.S.T.417 of 2010

Dinabandhu Jana

-Vs-

State of West Bengal and others

Points:

Compassionate appointment- Compassionate appointment claimed by the son after attaining majority after lapse of considerable period whether can be granted-Service law

Facts:

On the death of the father the petitioner was minor. He applied for compassionate appointment after attaining majority after lapse of considerable period. His claim for appointment on compassionate ground was rejected by the tribunal.

Held:

The petitioner at the time of death of his father admittedly, was minor and, therefore, in order to mitigate the hardship, no appointment could be offered to the said petitioner on compassionate ground immediately after the death of the only bread earner of the family. The petitioner herein submitted an application claiming appointment on compassionate ground after lapse of considerable period.

Para 3 and 4

Mr. Partha Sarathi Bhattacharyya,

Mr. Biswajit Banerjee,

Mr. Raju Bhattacharyya,

Mr. Bijay Bikram Das.

...For the Petitioner.

Mr. Saibal Acharya,

Mr. Pradip Paul.

...For the Respondent No.4.

The Court: This writ petition has been filed assailing the judgment and order dated 12th March, 2010 passed in O.A.1737 of 2009 by the learned West Bengal Administrative Tribunal whereby and whereunder the said learned Tribunal dismissed the application on merits upon rejecting the claim of the petitioner for appointment on compassionate ground.

2. Undisputedly, the petitioner was minor at the time of death of his father. The said petitioner filed an application claiming appointment on compassionate ground after attaining majority. The prayer for compassionate appointment is entertained in order to mitigate the hardship of the family on account of the sudden death of the only bread earner.

3. In the present case, the petitioner at the time of death of his father admittedly, was minor and, therefore, in order to mitigate the hardship, no appointment could be offered to the said petitioner on compassionate ground immediately after the death of the only bread earner of the family.

4. The petitioner herein submitted an application claiming appointment on compassionate ground after lapse of considerable period.

5. The learned Tribunal also considered several other relevant factors apart from the delay for rejecting the claim of the petitioner for appointment on compassionate ground.

6. We do not find any infirmity and/or illegality in the findings of the learned Tribunal and, therefore, we refuse to grant any relief to the petitioner herein.

7. Accordingly, this writ petition stands dismissed as we do not find any merit in the same.

8. There will be no order as to costs.

(Pranab Kumar Chattopadhyay, J.)

(Md. Abdul Ghani, J.)