

9.6.2010  
as  
**W.P.S.T. 248 of 2010.**

**POINTS :-**

Compassionate Appointment – Elder Sister of the petitioner was a government employee who died in harness – Application by petitioner eighteen years after death – Petitioner if comes within the definition of “Family” – Sufficient financial means of the father of the petitioner – Dismissal of the application by the tribunal if justified – Service Law.

**FACTS :-**

This writ petition has been filed challenging the judgment and order dated 15th January, 2010 passed by the learned West Bengal Administrative Tribunal in case number O.A.364 of 2009 whereby and whereunder the said learned Tribunal rejected the claim of the petitioner for appointment on compassionate ground.

Admittedly ,the elder sister of the petitioner herein died-in-harness on 25th November, 1991 when the said petitioner was minor. On attaining majority, the said petitioner submitted an application in prescribed form which was received by the concerned authority after a period of almost two years ten months from the time of death of the employee concerned.

**HELD:-**

**Learned Tribunal held,** that the Petitioner being the brother of the deceased employee cannot come within the of the ‘family’ as the terms ‘family’ consists of husband, wife, dependent parents and dependentson/daughter as per circular dated April 16, 1988. Para 3

The learned Tribunal discussed the issues raised before it properly and decided the same in accordance with law. There is no illegality and/or irregularity in the findings of the learned Tribunal. Para 5

Dr. Indrajit Mondal,  
Mr. Amit Banerjee.  
...For the Petitioner.

Dr. S. K. Patra.  
...For the State.

**THE COURT** 1)This writ petition has been filed challenging the judgment and order dated 15th January, 2010 passed by the learned West Bengal Administrative Tribunal in case number O.A.364 of 2009 whereby and whereunder the said learned Tribunal rejected the claim of the petitioner for appointment on compassionate ground.

2)Admittedly, the elder sister of the petitioner herein died-in-harness on 25th November, 1991 when the said petitioner was minor. On attaining majority, the said petitioner submitted an application in prescribed form which was received by the concerned authority after a period of almost two years ten months from the time of death of the employee concerned.

3)The learned Tribunal rejected the claim of the petitioner for employment on compassionate ground not only due to the delayed submission of the prescribed application for compassionate appointment but also on the ground that the said petitioner being the brother of the deceased employee cannot come within the definition of the 'family' as the terms 'family' consists of husband, wife, dependent parents and dependent son/daughter as per circular dated April 16, 1988.

4)The learned Tribunal also observed that the father of the petitioner had sufficient income for maintaining the family at the time of death of the employee concerned viz., the deceased daughter. In any event, the learned Tribunal refused to consider the claim of the petitioner for compassionate appointment after long lapse of 18 years.

5) On examination of the impugned judgment and order passed by the learned Tribunal, we are satisfied that the said learned Tribunal discussed the issues raised before it properly and decided the same in accordance with law. We do not find any illegality and/or irregularity in the findings of the learned Tribunal.

6) For the aforementioned reasons, we dismiss this writ petition as we do not find any merit in the same.

7) In the facts of the present case, there will be no order as to costs.

(Pranab Kumar Chattopadhyay, J.)  
(Syamal Kanti Chakrabarti, J.)