

WP.ST 115 of 2016
CAN 01 of 2016 (Old CAN No. 8045 of 2016)

Ranjan Basfore
Vs.
The State of West Bengal & Ors.

Mr. Amritam Mondal
Ms. Jeenia Rudra
Ms. Meghana Chanda
Ms. Ananya Chakraborty
... for the petitioner

Mr. Tapan Kumar Mukherjee, Ld. AGP
Mr. Pinaki Dhole
Mr. Avishek Prasad
... for the State

A prayer for compassionate appointment, was rejected by the department, by a writing dated April 29, 2014 on the ground that, the application for compassionate appointment was made after lapse of seventeen months from the date of death of the employee. The learned Tribunal refused to intervene when such writing dated April 29, 2014 was assailed.

State is represented.

We find from the records that, the employee expired on December 16, 2010. Employee died in harness. The application for compassionate appointment was made on July

20, 2012 after expiry of about seventeen months. The prayer for compassionate appointment compassionate appointment was rejected by a writing dated April 29, 2014 on the ground of delay in terms of clause 10 of Labour Department's notification bearing No. 251-EMP dated December 3, 2013.

The Labour Department notification No. 251-EMP dated December 3, 2013 was subsequently read and understood by the department concerned by a notification of 2016 to mean that, an application for compassionate appointment can be made up to a period of two year and that, in such circumstances, adequate causes should be shown.

Since the writing dated June 29, 2014 does not consider all the aspects of the claim of compassionate appointment, it would be appropriate to set it aside. The impugned order of the learned Tribunal is also set aside. The authorities are directed to consider and decide the application dated July 20, 2012 for compassionate appointment, in accordance with law. The authorities will also consider the financial aspect in terms of the notifications governing the employment of the deceased employee.

The entire exercise is to be completed within a period of four weeks from the date of communication of this

order to the authority. The authority will afford a reasonable opportunity of hearing to the petitioner. The authority is at liberty to consult such documents and hear such parties that he deems appropriate. The authority will pass a reasoned order and communicate the same to the petitioner thereafter.

WP.ST 115 of 2016 along with connected application are disposed of without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)