

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Mrs. Urmita Datta (Sen), Member(J).

**Case No. – MA 37 of 2021 [OA 152 of 2020]**

Pinki Ghosh Dutta - **VERSUS** - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order <u>02</u> 17.03.2021	For the Applicant	: Ms. A. Shaw, Ld. Advocate.
	For the State Respondent	: Mrs. S. Agarwal, Ld. Advocate.

The matter is taken up by the Single Bench pursuant to the Notification No. 949-WBAT/2J-15/2016 dated 24<sup>th</sup> December, 2020, issued in exercise of the powers conferred under sub section (6) of Section 5 of the Administrative Tribunals Act, 1985.

The instant MA has been filed praying for condonation of delay in approaching the Tribunal for direction upon the respondents to provide compassionate appointment. As per the applicant her father died on 08.03.2006. According to the applicant, however, she being a married daughter had approached the authority for the first time only on 11.01.2019. However, thereafter as no step was being taken, she has approached this Tribunal. Therefore, the applicant has prayed for condonation of delay in filing the OA.

However, the counsel for the respondent has raised the preliminary objection with regard to the condonation of delay. The counsel for the respondent has drawn my attention to the application dated 11.01.2019, by which she had approached the authority for the first time for compassionate appointment. In the said letter also she had admitted that after a lapse of 10 years from the date of death of her father, she had approached the authority for compassionate appointment. Therefore, according to the counsel for the respondent, the main purpose of the compassionate appointment has been frustrated as the applicant had survived for more than 13 years without any compassionate appointment. The counsel for the respondents has also referred the Annexure-A2 of the application, which is a proforma with regard to the compassionate appointment, wherein the date of birth of the applicant has been

ORDER SHEET

Form No.

Pinki Ghosh Dutta

Vs.

Case No. **MA 37 of 2021 [OA 152 of 2020]**

THE STATE OF WEST BENGAL & ORS.

shown as 27.09.1977, whereas in the affidavit portion the applicant has declared her age as 29 years, which is self-contradictory. Therefore, the respondents have prayed for dismissal of both the OA and MA.

I have heard the parties and perused the records. From the perusal of the paragraph 1 of the MA, it is noted that as per the applicant she had submitted application for compassionate appointment on 11.01.2019. Further from the application dated 11.01.2019, it is noted that the applicant herself has admitted that she had approached the authority after 10 years even as from the Death Gratuity papers, it is evident that her mother and two unmarried sisters were nominee of her father as she was married and not dependent upon her father.

Since the main purpose of granting compassionate appointment is to enable the family to tide over the sudden financial crisis caused due to the sudden death of the sole bread-earner. Therefore, if the applicant being a married daughter living separately would have survived 13 years and only approached the authority after came to know about the Apex Court verdict on the consideration of the case of the married daughters, it is obvious that she does not have any financial need due to the death of her father. Thus, I do not find any reason to condone the delay for approaching this court as she had approached the authority for the first time after 13 years.

Accordingly, both the OA and MA are **dismissed** being devoid of any merit.

The parties are directed to act upon the Website copy of this order.

Mrs. URMITA DATTA (SEN)  
MEMBER (J)

CSM/SS