

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Bikash Bhavan, Salt Lake, Kolkata – 700 091.**

**Present-**

**The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson and Administrative Member**

**Case No. –OA 1217 OF 2014**

**PARAMITA HALDER - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. and Date of order	For the Applicants	:	Mrs. Sonali Mitra, Advocate
<u>20</u> 10.07.2024	For the State Respondents	:	Ms. Ruma Sarkar, Mr. Saurav Deb Ray, Mrs. Anjana Bhattacharjee, Mr. Raja Bag, Departmental representatives

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No.638-WBAT/2J-15/2016 (Pt.-II) dated 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under section 5(6) of the Administrative Tribunals Act, 1985.

Ms. R. Sarkar, learned Departmental Representative argues that as per the amendments mentioned in the 26-Emp, only the case is which were undisposed were to be dealt. This case cannot be covered under notification No.26-Emp for the reason that prior to publication of the amendment, this case was already considered and disposed of by the respondent authorities by its memo dated 10<sup>th</sup> April, 2014.

Attention is drawn to Notification No.Labr/419/Law dated 04.11.2022. Submission of the Department is that though by this notification daughter including a married daughter are entitled for compassionate employment, such notification came into effect only from the date of its publication i.e. 04.11.2022. Therefore, the contention of the applicant that even being a married daughter at the time of death of her father, she is entitled is not a valid argument. The benefit of such amendment in notification No. Labr/419/Law dated 04.11.2022 can be with effect only from 04.11.2022 whereas, the applicant was a married daughter at the time of his father's death which occurred on 11.09.2008. Further submission is that simply being a married daughter cannot have the absolute right to be considered for compassionate employment. The spirit of the law is clear that such

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married daughters are to be wholly dependent on the financial resources of her parents, in this case, as evident from the proforma application, the applicant has herself stated that she is married and partly living with the family. By such statement the respondent authorities cannot be satisfied that the applicant though being married are entirely dependent on the family. Similarly submission of the Department is that the applicant cannot take the benefit of amendment of 10(a) of notification No.251-Emp. By amendment of this provision in notification No.26-Emp, the outer time limit for submission of application was extended from six months to two years. The applicant from her own admission in the rejoinder has stated that she is living alone. This leads to the presumption that she by living with her parents she is not dependent on her financially. Mrs. Mitr has not responded directly to the submission of the Department that the benefits as per amendment notifications No. 26-Emp and Labr/419/Law dated 04.11.2022 are not applicable in this case, but she relies on a judgement passed by the Hon'ble Apex Court in CBI vs. R.R. Kishore on 11.09.2023, CrI. Appeal No.377/2007.

Let further submissions in this matter be heard on 16.01.2025 under the heading "Further Hearing".

(SAYEED AHMED BABA)  
OFFICIATING CHAIRPERSON  
and MEMBER (A)

SCN.