

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

Case No. OA – 124 of 2023

Mita Das - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order 4 14.03.2024	For the Applicant	: Mr. A. Mitra, Advocate
	For the Respondents	: Mrs. S. Mitra, Advocate

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

On consent of the learned counsels, the case is taken up for consideration sitting singly.

The prayer in this application is for setting aside the impugned reasoned order passed by the respondent authority rejecting the application for employment on compassionate ground. Such an application was considered by the respondent authority and rejected on the ground that the total family income of the family exceeded the last gross salary drawn by the deceased employee. In the copy of a report submitted by the Inquiry Committee, the total income of the applicant's family has been calculated at Rs. 45,020/- per month, whereas the last gross salary drawn by the deceased employee was Rs. 41,380/-. The report also found that the applicant owned 15 katha cultivable bastu land and her husband, Sanjay Das works for a private company.

In the rejoinder to the reply, the applicant does mention that such calculation is erroneous and the total family income does not exceed more than 90% of the gross salary drawn by the deceased employee.

Having heard the submissions of the learned counsel and on examination of the records in this application, the Tribunal finds that the specific figures mentioned in the reply of the inquiry committee is irrefutable and are based on valid sources of information. Further, the Tribunal also finds that though the applicant is a married daughter but no ground has been established to prove that though being married she is still depended on her parents income. One of the primary conditions for a married daughter to be eligible for compassionate employment is that she should be financially dependent on her parents. In this application no such reason has been given by the

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applicant.

Having observed the above, the Tribunal is not satisfied that there is merit in this application and no valid grounds for setting aside the impugned order passed by the respondent authority on 13th October, 2022. Therefore, this application is disposed of for not having any merit.

**SAYEED AHMED BABA
OFFICIATING CHAIRPERSON & MEMBER(A)**

A.K.P