

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

**The Hon'ble Mrs. Urmita Datta (Sen), Member(J) &
Hob'ble Sayeed Ahmed Baba, Member (A_)**

Case No. – OA-714 of 2016

Chhaya Rani Mahato VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicant	: Mrs. S. Agarwal, Mr. M. Khan, Learned Advocates.
<u>11</u> 09.12.2021	For the State Respondent	: Mr. G.P. Banerjee, Learned Advocate.

The instant application has been filed mainly challenging the impugned order dated 17.03.2015, whereby the case of the applicant for compassionate appointment was rejected on the ground of being her married daughter before the death of the employee as per clause 3 (d) of Labour Department Notification dated 03.12.2013. However, the counsel for the applicant has submitted that Hon'ble High Court, Calcutta had recently passed order on 13.09.2017 holding that the married daughter is also eligible to be considered for compassionate appointment. Against which the state respondents approached the Hon'ble Apex Court and the Apex Court dismissed the matter. Therefore, the counsel for the applicant has submitted that the case of the applicant should not be rejected only being married daughter.

The counsel for the respondent has submitted that the case of the applicant was rejected as per the scheme of the Labour Department, where there is no such provision of consideration of married daughter.

In view of the above, since the issue of married daughter, whether to be considered or not for compassionate appointment, has been settled now. Therefore, the impugned order dated 17.03.2015 is quashed and set aside and the matter is remand back to Respondent No. 1 to reconsider the case of the applicant on merit as per rules and to take a decision and

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communicate the same by way of reasoned and speaking order within a period of twelve weeks from the date of receipt of the order. Accordingly, OA is disposed of with no order as to costs.

Since the circumstances beyond control, the Registry is unable to furnish plain copies of this order to the learned advocates for the parties, the Registry is directed to upload this order on the website of the Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.

SAYEED AHMED BABA
MEMBER (A)

URMITA DATTA (SEN)
MEMBER (J)

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