

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Administrative Member.

Case No. –OA 18 of 2017

Smt. Sangeeta Saha. - Versus - The State of West Bengal & Others.

Serial No. and Date of order	For the Applicant	: Mr. S. Ghosh, Advocate.
<u>22</u> 20.09.2022.	For the State Respondents	: Mr. S. N. Ray, Mr. S. K. Mondal, Advocates.

In the instant application, Smt. Sangeeta Saha - the applicant is the daughter of late Jyotsna Saha, who worked as 'Health Assistant (Female)' under B.P.H.C., Health Department, Malda and died on 7th October, 2005 while in service. After the death of the mother, the father of the applicant applied for compassionate employment on behalf of the elder daughter, Supriti Saha on 25th March, 2006 before the respondents. This applicant, Sangeeta Saha was a minor at the time of death of the deceased employee. Later when the first applicant, elder sister Supriti Saha got married, the applicant Sangeeta Saha applied for compassionate employment on 31st August, 2015. In OA-1248 of 2015, the Tribunal directed the respondents to take decision on the basis of her prayer. Thus, the respondent, Director of Health Services on 29.11.2016 passed a reasoned order rejecting the application for compassionate employment of the applicant with the following relevant words :-

"I have now examined the case on merit. It appears that the husband of the ex-employee, who claimed himself as an unemployed at the material point of time, was eligible to apply for compassionate employment but he did not. Prayer of Supriti Saha was not processed by the CMOH, Malda and no final decision was taken as she was minor at the time of consideration and subsequently she got married in the year 2009. Now, Sangeeta Saha has come up with a prayer for compassionate employment after a lapse of more than ten (10) years from the date of death of the ex-employee. Employment on compassionate ground is

provided to meet up immediate need of financial assistance arising due to sudden demise of an employee. As the family of the deceased has survived for all these years, question of immediate need stands evaporated with the passage of time.

Thus, is ordered that

The prayer of Sangeeta Saha for employment on compassionate is rejected as immediate need of financial assistance is not established in this instant case.

Thus the application is disposed of.”

Aggrieved by the rejection by the respondents, the applicant has approached the Tribunal again for suitable direction under this OA.

Learned advocate for the State respondents submits that the scheme for compassionate employment is primarily for the immediate relief to be provided to the family of the deceased employee.

In the last order of the Tribunal in OA-1248 of 2015 it was pointed out that Supriti Saha, the elder daughter withdrew her application for compassionate employment affirming an affidavit in which she had stated that in view of her marriage, she was not willing to get the compassionate employment and has no objection in respect of prayer made by Sangeeta Saha - the applicant, her younger sister. Upon direction by the Tribunal, the respondent authority considered and came to the conclusion that the application for compassionate employment is not maintainable since the applicant Sangeeta Saha had applied after lapse of ten years from the date of her deceased father.

Mr. S. N. Ray, learned advocate for the State submits that as per the scheme of the compassionate employment, the main purpose is to

mitigate any financial or economical exigency faced by the family due to death of the employee. The compassionate employment is a onetime support in the form of employment to the legal heir if he or she fulfils certain criteria which are laid down in the rules of compassionate employment.

After hearing the submissions from the learned counsels and going through the records, the findings of this Court is that the prayer of the applicant in this application for setting aside the order of the respondents dated 29.11.2016 has no merit and is not legally tenable.

It is evident that the present applicant applied after becoming an adult and after her elder sister withdrew her application, - after a lapse of ten years from the death of the deceased mother on 07.10.2005.

In view of the above, it is the finding of this Court that the application is not maintainable and liable to be dismissed. Hence, it is dismissed.

Accordingly, the application is disposed of.

(SAYEED AHMED BABA)
MEMBER(A)

S.M.