

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 243 of 2024

Tapati Guha -- VERSUS – The State of West Bengal & Others

Serial No. and
Date of order

For the Applicant

: Mrs. Sunita Agarwal,
Ld. Advocate.

03
19.11.2024

For the State Respondents

: Mr. G.P. Banerjee,
Learned Advocate.

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 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 for the contesting parties, the matter is taken up for consideration sitting singly.

By filing this application the applicant has prayed for setting aside the impugned reference No. 426 dated 08.02.2022. By this reference the respondent authority had communicated its decision rejecting the prayer of the applicant for an employment under compassionate ground. The father of the applicant, Tapas Kumar Guha, as Group-D (Grade-I) under the office of the Assistant Director (S & T) had died while in service on 23.04.2013. On 21.08.2015, Rina Guha, the mother of the applicant had applied for herself an appointment on compassionate ground which was later revised by an application praying for such an appointment on behalf of Tapati Guha, her married daughter. In this revised application dated 22.11.2017, Rina Guha had mentioned that Tapati Guha with her husband and her daughter lives with her. This plain paper application of the mother was followed by submission of the proforma application by her daughter, Tapati Guha, the present applicant. By an order dated 07.07.2021 a Three Men Screening-cum-Enquiry Committee was set up to enquire into the application of Tapati Guha for compassionate employment. A divorce decree dated 30.11.2021 was submitted by the applicant and in her letter dated 24.06.2022 addressed

Form No.

Vs.

Case No. OA 243 of 2024

The State of West Bengal & Ors.

to to Secretary of the Department, she had prayed for a compassionate employment being the divorced dependent daughter of the deceased employee. This representation dated 24.06.2022 was in reference to the impugned reference No. 426 dated 08.02.2022. The respondent had regretted the prayer of the applicant by this reference finding that her divorce petition was filed on the same day her father died. It is clear to the Tribunal that the **divorce petition stamped as filed on 23.04.2013**. A copy of divorce petition available in this application shows that Tapas Kumar Guha, the father of the applicant died on 23.04.2013. It is rather interesting to find that on the very day her father died, she went to file her divorce petition before the Court of Ld. District Judge, Hooghly at Chuchura. The death certificate was issued by Registrar of Birth & Death, Panihati, North 24 Pgs.

From the evidences as stated above, it satisfies the Tribunal that after the death of the deceased employee though the widow had applied for herself but realizing that an employment to her daughter would be more beneficial, revised her application. The daughter filed divorce petition on the same day of her father's death is not only incredulous but also devoid of any logic. This appears to be a hasty and impulsive decision with the sole purpose of benefitting from an employment. Though divorced daughters are entitled for compassionate employment but being mere divorced daughter does not complete the requirements. It has to be enquired and be satisfied beyond any reasonable doubt that the divorced daughter has been dependent on her parent's financial resources. From the submission of the mother shown in her letter addressed to the Dy. Director of Rationing (S & T) dated 22.11.2017, she admits that both her daughter and her husband lives with her. This letter indicating her married daughter living with her husband and her daughter in her house, though a divorce petition was filed three years earlier on 23.04.2013, the date of death of her father.

ORDER SHEET

Tapati Guha

Form No.

Case No. **OA 243 of 2024**

Vs.

The State of West Bengal & Ors.

From the above evidences, the Tribunal cannot help but come to the conclusion that this application for compassionate employment is not only invalid but also ill-intended. For the sole purpose of getting an employment, the applicant had gone so far as to file a divorce petition on the same day her father died! The Tribunal fails to find any merit in this application and thus disposes this without passing any orders.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

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