

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Administrative Member.

Case No. –OA-277 of 2020

Anindita Bose. - Versus - The State of West Bengal & Others.

Serial No. and Date of order	For the Applicant	: Mr. M. N. Roy, Mr. G. Haldar, Mr. R. K. Mondal, Advocates.
<u>11</u> 12.07.2022.	For the State Respondents	: Mrs. S. Agarwal, Advocate.

This is an application for compassionate employment where the deceased employee was an Upper Division Clerk in the office of the Executive Engineer, Kolkata North Division under Superintending Engineer, Eastern Circle, Public Works Department. The employee died-in-harness on 31.10.2013 leaving behind his wife –Mithu Bose and two daughters - Anindita Bose and Suparna Bose.

Earlier Suparna Bose applied for compassionate employment in a plain paper on 08.04.2014 and later in proforma application on 31.12.2015 which were duly received by the concerned authority. Unfortunately, on 30.11.2016, the applicant Suparna Bose met a critical accident, due to this, the present applicant Anindita Bose made a representation on 23.05.2017 praying for compassionate employment in place of her sister Suparna Bose. No Objection from the earlier applicant was also submitted. Thereafter, the Joint Secretary, Public Works Department, West Bengal asked the applicant to submit all relevant documents for verification which were submitted. The applicant also submitted a judgement dated 16.11.2016 in connection with Mat Suit No. 780 of 2016, U/s 27 of the Special Marriage Act, 1954 passed by the Additional District & Sessions Judge, Barrackpore in which the marital tie of the applicant was dissolved by a decree of divorce. The Joint Secretary, Public Works Department, West Bengal vide Order No. 985-PW/O/W(ECG)/3P-69/2016 dated 10.09.2018 passed a reasoned order

rejecting the prayer of the applicant. The impugned order citing the ground that the application was not submitted within the stipulated period and the divorce occurred long after death of her father. On 27.09.2019, the Tribunal after being approached directed the respondents to consider and pass a reasoned order. In pursuance to the Tribunal's order, the respondent considered and rejected citing several reasons on 14.01.2020.

Now, challenging the both the impugned orders, the applicant has approached the Tribunal by filing this application (OA-277 of 2020).

Mr. M. N. Roy, learned advocate for the applicant submits that the divorce couple were leaving separately since 28.06.2013 which is prior to the death of the father of the applicant. This is an observation made by the Learned Judge in the divorce decree which came into effect from 16.11.2016.

After hearing the learned advocates and considering the facts and circumstances, it appears that the following three issues are relevant and important for passing any order by this Tribunal. The three issues are as follows:

1. Whether the application made more than three years after the death of applicant's father is maintainable as a valid application for compassionate employment or not.
2. Whether the dissolution of marriage of the applicant which was decreed on 16.11.2016, after three years from the father's death will still make the applicant eligible for consideration of her compassionate employment. In other words, the applicant was not

separated at the time of death of her father.

3. Besides, since the compassionate scheme is to provide immediate assistance by means of a government job, it is to be seen whether the applicant has been living in economic hardship, and therefore, in urgent need for a government employment.

Mrs. S. Agarwal, learned advocate for the State respondents submits that by next date she will submit other views to the Court.

Both the learned advocates submit that pleadings are complete, however, on the next date some more submissions would be made.

Let the matter appear under the heading "Hearing" on 24.11.2022.

(SAYEED AHMED BABA)
MEMBER(A)

S.M.