

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble SAYEED AHMED BABA, Member (A)

Case No. – OA-312 of 2022

Anju Biswas VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicant	:	Mr. A. Maji, Mrs. S. Saha, Learned Advocates.
<u>03</u> 13.07.2022	For the State Respondents	:	Mr. S. Ghosh, Learned Advocate.

In this application, the applicant Anju Biswas whose prayer for compassionate employment was considered and rejected by the respondents on 22.09.2010. Her father was a govt. employee attached with the C.M.O.H, Howrah as G.D.A. died in harness on 25.10.2007. The impugned order which rejected her application give the reasons of her being a married daughter, thus, not eligible for compassionate employment under the scheme. The applicant had approached the Tribunal in OA-612 of 2018 for relief to withdraw the application without challenging the impugned order.

Mrs. Saha submits that now since 03.08.2008 by a decree of Lok Adalat, the applicant is now a divorced lady. Therefore, she is now eligible for compassionate employment. Therefore, suitable direction may be given to the respondents to consider her application.

Mr. Ghosh appearing on behalf of the respondents submits that the impugned order of 2010 being challenged this year after a gap of 12 (twelve) years is not maintainable due to

limitation. Secondly, her application was considered and rejected by the respondent on 22.09.2010 due to the fact that at that material point of time she was a married daughter, thus not eligible for compassionate employment. Mr. Ghosh also submits that the divorce occurred more than a year after her father's death. To be eligible, the applicant has to be single/divorcee at the time of her father's death. Mr. Ghosh also submits that the decree from Lok Adalat is not admissible.

Having heard the learned advocates and considering the facts and circumstances, the application is disposed of by directing the respondent no. 2, CMOH, Howrah to consider and dispose of this application as per law within a period of three months from the date of presentation of a copy of this order to be downloaded from the Website of the Tribunal. I make it clear that I have not gone into the merits of the matter and all facts are left open to be dealt with by the Respondent authority ascending to law Accordingly, OA is disposed of.

sc

SAYEED AHMED BABA
MEMBER (A)