

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 513 of 2022

Soumita Ghosh -- VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. Sabyasachi Roy, Ld. Advocate.

For the State respondent : Mr. S. Ghosh, Ld. Advocate.

For the Pvt. Respondent No. 5 : Mr. A. Mitra, Ld. Advocate.

05
24.08.2023

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 case is taken up for consideration sitting singly.

This application prays for setting aside the impugned order of the respondent dated 11.03.2022 rejecting her application for appointment under compassionate ground. The primary reason given by the respondent while rejecting her application is that at the time of her father's death, the deceased employee, she was already a married woman. Therefore, as per the extant rules, as married daughter at the time of death of her father, she is not entitled for any such appointment.

Mr. Ghosh, learned counsel for the State respondent opposes the admission of this application on the ground that her brother's application for the same cause was already rejected by the authorities. Therefore, she has no *locus standi* now to apply for such appointment under compassionate ground.

Appearing on behalf of the Private Respondent No. 5, Mr. Mitra, learned counsel opposes admission of this application on the ground that no NOC has been given by the private respondent to the applicant.

Mr. Roy, learned counsel for the applicant submits that the applicant as the daughter, even being married and being dependent on her deceased father's income, is entitled to be offered such an appointment. The very eligibility of the applicant as a married daughter, but dependent on her parents, has been supported by the judgment of the Hon'ble Supreme Court. Mr. Roy prays for accommodation to file a copy of such judgment on the next date and submit further.

Let the matter appear under the heading "Admission Hearing" on **22.01.2024.**

CSM/SS

SAYEED AHMED BABA
Officiating Chairperson & Member (A)