

**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 – 527 of 2017**

**Debarati Lahiri VERSUS The State of West Bengal & Ors.**

Serial No. and Date of order	For the Applicant	:	Mr. M.Bhattacharya, Learned Advocate.
<u>20</u> 20.09.2023	For the State Respondents	:	Mr. S.K. Mondal, 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 23<sup>rd</sup> 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, the matter is taken up for consideration sitting singly.

In this application, the prayer is for setting aside the impugned order of the respondent appearing at page 25. The applicant had applied for compassionate employment after the death of her mother who dies as an Auxilliary Nurse & Midwife (A.N.M.) on 03.10.2010. After enquiry and processing of the application, the respondent rejected the prayer for compassionate employment on the ground that the applicant does not fulfil the financial condition laid down in the rules governing compassionate employment. It was also mentioned that the father of the applicant was a government employee at the time of the death of his mother, the deceased employee.

Mr. Mondal appearing on behalf of the State respondent refers to the reply of the respondent in which, it is seen that the family is receiving two different pensions, the pension of the father as a retired employee and also the family pension of the deceased employee, the mother. Therefore, as per the respondent, the family of the deceased employee has sufficient financial capacity to sustain them and, therefore, the compassionate employment is not considered for

the applicant.

After hearing the submissions of the learned counsels and considering the facts in this application, the Tribunal has observed the following :-

The fact that the father of the applicant as a govt. employee has not been controverted by the applicant's side since the father was a govt. employee and in receipt of regular salary to support his family. At the time of death of the deceased employee, the applicant was not married but was dependent on her family. Subsequently the applicant got married and began living with her husband since then.

In the opinion of this Tribunal, since the applicant has been able to sustain herself till now and during this period, she also got married, the Tribunal is not satisfied that there was any financial exigency which required a compassionate employment to support her. Such compassionate employment has to be provided only when the respondent authorities are satisfied that due to the sudden death of the govt. employee, there was enough evidence to show that the family is in serious and dire condition and not able to sustain financially or otherwise. Since the compassionate employment is not a vested right nor can it be provided when the fact is indisputable that for such a long period of thirteen years, the applicant has been able to sustain herself, therefore, finding no justifiable reason and merit, the Tribunal disposes of this application without any orders.

Accordingly, the matter is disposed of.

sc

SAYEED AHMED BABA  
OFFICIATING CHAIRPERSON & MEMBER(A)