

**ORDER SHEET**  
**WEST BENGAL ADMINISTRATIVE TRIBUNAL**  
Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present : **HON'BLE JUSTICE SOUMITRA PAL,**      **HON'BLE CHAIRMAN.**

Case No. – OA 532 of 2021.  
PAYEL ACHARYYA-Versus- THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Ms. A. Shaw, Advocate.
<u>5</u> 22.8.2022	For the State Respondents	: Mr. G.P. Banerjee, Advocate.

The matter is taken up by the single Bench pursuant to the order contained in the Notification No. 496-WBAT/1E-08/2003 (Pt.-II) dated 4<sup>th</sup> August, 2022 issued in exercise of the powers conferred under section 6 (5) of the Administrative Tribunals Act, 1985.

Though the matter has appeared under the heading “Reply/Rejoinder and Objection”, Mrs. A. Shaw, learned advocate for the applicant submits that the matter may be taken up for hearing as, though directed, no reply has been filed by the respondents to which Mr. G.P. Banerjee, learned advocate for the State respondents in his usual fairness does not object. Accordingly, the matter is taken up for hearing.

In the application Payel Acharyya, the applicant, has prayed for certain reliefs, the relevant portion of which is as under :-

“...(a) An order do issue by setting aside the impugned order dated 07.02.2020 being Annexure “A-2” of the Original Application.

(b) By directing the respondents to ignore the proposition as laid down in the Labour Department Notification No. 251 EMP being Annexure “A-4” of Original Application and take a fresh view in terms of the order passed by the Special Bench in FMA No. 1277 of 2017 with W.P.S.T. No. 447 of 2013 and W.P.S.T. No. 78 of 2014 and pass a reasoned order in terms of the guidelines framed in the said judgment..”.

It is submitted on behalf of the applicant that the order dated 7<sup>th</sup> February, 2020 rejecting the prayer of the applicant for appointment on

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compassionate ground under exempted category is illegal as it has been passed without considering the judgement in FMA 1277 of 2015, The State of West Bengal and others – versus- Purnima Das.

Mr. Banerjee, submits that since representation dated 19<sup>th</sup> December, 2019, appearing at page 17 of the application, filed by the mother of the applicant for appointment of her daughter on compassionate ground and the representation dated 22<sup>nd</sup> January, 2020, appearing at page 18 of the application, by the applicant for compassionate appointment do not state the grounds on which the compassionate appointment is sought for, no order may be passed.

Since the principles of law regarding appointment of a married daughter on compassionate ground has been settled by the judgement delivered in the State of West Bengal and others – versus- Purnima Das (supra) and as the impugned order dated 7<sup>th</sup> December, 2020 does not deal with the said judgement, the order under challenge cannot be sustained and is thus set aside and quashed. The application is allowed. Accordingly, the Original application is disposed of by granting liberty to the applicant to file representation afresh ventilating her grievances regarding her dependency on her father, late Sandip Kumar Acharya, before the Superintendent of Police, Paschim Medinipur, - the respondent no. 4, within eight weeks along with a copy of this order downloaded from the website of the Tribunal. If representation is filed within the time as stipulated, the said respondent no. 4 shall dispose of the matter by passing a reasoned order to be communicated to the parties within fifteen weeks after giving an opportunity of hearing to the applicant, after making necessary enquiry and after considering the principles of law laid down in State of West Bengal and others – versus- Purnima Das (supra) in the facts of the case.

Skg.

(SOUMITRA PAL)  
CHAIRMAN.

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