

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Mrs. Urmita Datta (Sen), Member (J),

The Hon'ble Sayeed Ahmed Baba, Member (A)

**Case No. OA – 690 of 2017**

**Tania Anam - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. and Date of order <u>8</u> 22.12.2021	For the Applicant	: Mr. M. Hossain, Mr. S. Maity, Advocates
	For the Respondents	: Mr. M.N. Roy, Advocate

The instant application has been filed mainly challenging the impugned order dated 15.09.2016, whereby the prayer of the applicant for compassionate appointment on the issue of married daughter at the time of death of the employee. During the course of the hearing, the counsel for the applicant has referred one Full Bench judgement passed by Hon'ble High Court, Calcutta reported in 2017 (4) CHN (CAL) 362 – State of West Bengal –Vs- Purnima Das. The aforesaid judgement was upheld by Hon'ble Apex Court vide order dated 23.07.2019 in SLP (C) No. 17563 of 2018.

Therefore, the counsel for the applicant has submitted that as the issue for consideration in the case of married daughter has already been settled by the Hon'ble Apex Court, he has prayed for setting aside the impugned order.

The counsel for the respondent has stated that though the issue of married daughter has been settled, however, the case of the applicant has to be considered as per several other criteria of applicable Rules and Circulars.

Heard the parties and perused the records as well as judgment. As the case of the applicant was initially rejected on the ground of being married daughter and the said issue had already been settled by the Hon'ble Apex Court, therefore, we quash and set aside the order dated 15.09.2016 and remand back

**ORDER SHEET**

Form No.

**Tania Anam**

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the matter to the Director of Personnel & Ex-officio Chief Engineer, Department of Irrigation & Waterways for consideration of her case except the issue of being married daughter, subject to the fulfilment of other criteria laid down in the Circular and Rules in this regard and communicate their decision within a period of twelve weeks from the date of receipt of the order. Accordingly, the O.A. is disposed of with no order as to costs.

Since for circumstances beyond control, the Registry is unable to furnish plain copies of this order to the learned advocates for the parties, the Registry is directed to upload this order on the website of the Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.

A.K.P.

SAYEED AHMED BABA  
MEMBER(A)

URMITA DATTA (SEN)  
MEMBER (J)