

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

THE HON'BLE SAYEED AHMED BABA, OFFICIATING CHAIRPERSON AND ADMINISTRATIVE MEMBER

Case No. – OA - 776 of 2023

Sumita Sarkar - Vs - The State of West Bengal & Ors.

Serial No. and

Date of order

For the Applicant : Mr. S.K. Mondal,
Learned Advocate.

04

21.11.2024.

For the State Respondents : Mr. G.P. Banerjee,
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 23rd November, 2022 issued in exercise of the powers conferred under Section 5 (6) of the Administrative Tribunals Act, 1985.

The applicant has prayed for setting aside the impugned order regretting her prayer for employment under compassionate ground. In terms of a direction of this Tribunal in OA-320 of 2017, the Principal Secretary, A.R.D. Deptt. Passed the reasoned order dated 16.10.2017. The applicant is the divorced daughter of the deceased employee, Sibabrata Sarkar. At the time of death of her father on 28.11.2014, the applicant was a married daughter but later on 12.06.2015, she received the divorced decree. Para 3 (dd) of Notification No. 251-Emp. amended by Notification 26-Emp on 01.03.2016 has been relied on in the reasoned order which was in force at the time of consideration of her application. Later, Para 3 (dd) as cited above was deleted by Notification Labr/419/Law dated 04.11.2022. The new amended clause relating to divorce daughter has stipulated in this Notification, being (b) "shall must have obtained decree of divorce issued by the competent authority by a competent Court, either before or after the death of the government employee".

On the question why the applicant did not file an application before the permissible time to challenge the reasoned order passed on 16.10.2017, Mr. Mondal, learned counsel submits that the applicant's mother has been suffering from mental disorder and being a resident of a

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far flung district of Cooch Behar was not in a position to approach this Tribunal at Kolkata on time. Mr. Mondal wishes to file appropriate documents to justify the reasons for filing this application belatedly by way of a supplementary application with copy to the other side.

Let the matter appear under the heading **Admission**
Hearing on 27.02.2025.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON AND MEMBER (A)

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