

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Smt. Payel Mukherjee. -- VERSUS – The State of West Bengal & Others

For the Applicant

06
04.09.2025

For the State Respondents

: Mr. G. P. Banerjee,
Learned counsel.

Although, by an order dated 20.12.2023, order was reserved for this application but the file was misplaced and was retrieved very recently.

The applicant had prayed for an appointment under compassionate ground which was regretted by the respondent authority on the ground that her divorce was filed after the death of her deceased father, late Rana Mukherjee, Ex-Head Clerk of Commercial Taxes Directorate. The respondent authority had relied on Notification No. 26-Emp. dated 01.03.2016. This impugned decision is being assailed by the applicant in this application. The deceased employee, Rana Mukherjee, the applicant's father died on 03.04.2013 while in service. On 05.09.2014, the applicant furnished a plain paper application before the Commissioner, Commercial Taxes to offer her employment under compassionate ground. She also informed in the same letter that she has been divorced with her husband on "Mutual Consent". Later, she furnished the application in the prescribed format and seal and signature of Circle Officer and D.D.O., Directorate of Commercial Taxes confirms that it was received on 06.06.2016. An Enquiry Committee was constituted and a copy of its report dated 22.04.2015 suggest that it had recommended such an employment to the applicant. The Committee also noted that she divorced her husband with mutual consent under Mat. Suit No. 2797/13 in the Court of Learned District Judge, Alipore on 04.08.2014. However, the respondent authority's contention for such rejection was that her divorce took place just after the death of the

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deceased father. The relevant Rule under Notification No. 26-Emp. dated 01.03.2016 (Amendment of the Notification No. 251-Emp. dated 03.12.2013) is cited below :-

“(a) A divorce daughter, who has become dependent on the family, and the divorce petition was filed before the death/permanent incapacitation of the Govt. employee.”

It is an admitted fact and not disputed by the applicant that she had filed a divorce suit after the death of her father on 03.04.2013. The applicant has not enclosed a copy of the divorce suit in this application nor she has taken care to mention the date of filing of the divorce suit before the competent Court. But from the report of the Enquiry Committee, it is observed that her divorce suit no. 2797/13 dated 04.08.2014 was filed before the Learned District Judge, Alipore.

This Tribunal after examination of the records and observing the relevant Rules related to compassionate employment is of the view that the respondent authority was correct to have regretted her prayer for such an employment. The ground for such rejection was valid and very well covered under the Notification No. 26-Emp. dated 01.03.2016. Further, the applicant has failed to satisfy this Tribunal that she has been totally dependent on the financial support of her parents, despite being a married person or being a divorcee. The objective of the Scheme is to provide a helping hand to family members of the deceased employee whose death has thrown the family into complete chaos. The compassionate employment is neither inherent in the family members as a vested right nor can it be claimed only because the earning member of the family has died.

In view of the above observations and findings, no merit in the prayer of this application, it is disposed of without passing any orders.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

S.M.