

**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-776 of 2023**

**Sumita Sarkar. -- VERSUS – The State of West Bengal & Others.**

Serial No.

For the Applicant

: Mr. S. K. Mondal,

and

Learned counsel.

Date of order

For the State Respondents

: Mr. G. P. Banerjee,

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Learned counsel.

07.08.2025

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 appearing at serial no. 1 (c) includes daughter, the relevant lines are quoted below :

“(c) the daughter (including legally adopted daughter before death or incapacitation or missing ) or ;”

By this amendment, it has been made clear that any daughter, irrespective of being married or not irrespective of divorced or widow or not is entitled to apply for an employment under compassionate ground.

From the submission of the learned advocates and records, it has become abundantly clear to the Tribunal that citing Clause 3(c) of the

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Notification No. 251-Emp. the respondent authority had taken the right decision in rejecting the prayer of the applicant. This Notification 251-Emp. was came into force from 03.12.2013 and the Clause 3(c) remained in force until it was deleted by Notification LABP/419/LAW dated 04.11.2022 at the time of passing of the reasoned order which rejected the prayer of the applicant for compassionate employment on the ground of relying on 3(c) of Notification 251-Emp. was passed on 16.10.2017 when the provisions of Clause 3(c) was very much in existence and relevant in this case.

The Tribunal is also not satisfied with the grounds shown for the delay in filing this application which was filed on 30.11.2023 prayed for setting aside the impugned reasoned order which was passed in Memo. 1998 on 16.10.2017. The delay of more than 5 years in filing this application before the Tribunal is not convincingly justified to the satisfaction of this Tribunal. The Tribunal does not find the ground has sufficient reasons for the delay in filing this application.

Having noted the above observations and finding no merit in the prayers of this application, it is disposed of without passing any orders.

SAYEED AHMED BABA  
Officiating Chairperson & Member (A)

S.M.