

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-****The Hon'ble Smt. Urmita Datta (Sen), Member (J)****& The Hon'ble P. Ramesh Kumar, Member (A)****Case No MA-190 of 2018 (OA – 969 of 2017)****Salma Khatun –Vs- The State of West Bengal & Others.**

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
<p style="text-align: center;"><u>1</u> 28.01.2019</p>	<p style="text-align: center;"><i>For the Applicant : Mr. J. Dey, Advocate.</i></p> <p style="text-align: center;"><i>For the Respondent : Ms. R. Sarkar, No. 1,2, 3, 4, & 5 Mr. A. De, (Departmental Representatives) Land & Land Reforms Deptt.</i></p> <p style="text-align: center;"><i>The instant application has been filed praying for compassionate appointment in favour of the applicant. As per the applicant, her father died on 04.07.2012. Thereafter, her married sister also applied for the compassionate appointment and subsequently filed one O.A. being No. 37 of 2017 which has been kept sine die due to the pendency of the issue regarding entitlement of married daughter for compassionate appointment vide order dated 06.08.2018. In the meantime, her brother also applied for compassionate appointment which was forwarded to the higher authority by the S.D.L. & L.R.O. vide order dated 21.02.2013. However, according to the applicant, since his brother is missing for three years therefore they have approached before the police authority. Subsequently, the applicant has made an application for compassionate appointment on her favour being unmarried daughter of the deceased employee. As per the applicant, the D.L. & L.R.O., Kakdwip vide</i></p>	

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	<p><i>communication dated 27.06.2017 has forwarded her application to the A.D.M. and D.L. & L.R.O., but till date nothing has happened.</i></p> <p><i>The departmental representative has raised the preliminary objection of maintainability of the instant M.A. as well as O.A. since the married sister as well as brother of the applicant has already filed application for compassionate appointment and the case of the married sister is still pending before this Tribunal. Therefore, the applicant has no locus standi to approach the authority for compassionate appointment unless and until the case of married sister as well as brother is being finally decided.</i></p> <p><i>We have heard both the parties and perused the records. It is noted that the mother of the applicant instead of filing any missing diary has made complaint before the police authority for taking necessary steps against her son. Therefore, it cannot be said that the claim of the son is not valid being missing since three years has been lapsed and no civil death or withdrawal of the claim has been recorded before the respondent authority. Further another claim of one married daughter of the deceased employee is also pending before this Tribunal.</i></p>	

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A.K.P.	<p style="text-align: center;"><i>Therefore, in our considered opinion, the applicant has no locus standi to approach this Tribunal at present as even no final decision has been communicated to the applicant with regard to her compassionate appointment by the respondent. Therefore, we do not find any reason to entertain the O.A. Accordingly, both the O.A. and M.A. is dismissed with the above observations.</i></p> <p style="text-align: center;">P. RAMESH KUMAR MEMBER (A) URMITA DATTA (SEN) MEMBER (J)</p>	