

**ORDER SHEET****WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

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

The Hon'ble Mr. P. Ramesh Kumar, Member (A)

Case No – MA-51 of 2019(OA-469 of 2018).**Jhuma Hazra. 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;">03</p> <p>-----</p> <p style="text-align: center;">05-04-2019</p>	<p>For the Applicant : Mr. D. Banerjee, Mr. S. Naskar, Advocates.</p> <p>For the State Respondents : None.</p> <p>The instant MA has been filed praying for recalling of the order dated 01-02-2019. During the course of the hearing it is noted that the father of the applicant died in 1995 and the applicant made the application for compassionate appointment as well as retrial benefits on 05-02-2018 only i.e. long after 23 years. As per the applicant, her mother pre-deceased to her father and her father died leaving behind 6(six) daughters including the applicant and one son. At the time of death of her father, she was minor and subsequently got married and recently she has been divorced on 14-02-2017. Now she has approached the authority for disbursement of retrial benefits as</p>	

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	<p>well as compassionate appointment. It is a settle principle of law that the compassionate appointment is not a matter of right and it is only granted to overcome the sudden financial crisis occurred due to the sudden death of the only bread earner. In the instant case, the applicant was minor at the time of death of her father. Further she got married and after 23 years, she has approached the authority for compassionate appointment. Therefore the main purpose of the compassionate appointment has already been frustrated.</p> <p>Further with regard to the retrial benefits, it is noted that the applicant is also having 5(five) other sisters and one brother who are not being made party, they are also legally entitled for the benefit. Even the applicant has not enclosed any documents to establish her relationship with the Ex-employee or any service documents related to the said Ex-employee.</p> <p>Therefore after 23 years, it is practically</p>	

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Mihir	<p>impossible for the authority to find out or co-relate the relations between the applicant and the said deceased employee.</p> <p>Therefore, we do not find any merit in the instant case and also we do not find any reason to entertain the MA for recalling of the order. Accordingly, the MA is dismissed with no order as to cost.</p> <p><b>P. RAMESH KUMAR</b> <b>MEMBER(A)</b></p> <p><b>URMITA DATTA (SEN)</b> <b>MEMBER(J)</b></p>	