

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

The Hon'ble Urmita Datta (Sen) Member (J) &
Hon'ble P. Ramesh Kumar, Member (A)

OA-725 of 2018

Lisha Mitra

Vs

The State of West Bengal & Ors.

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><u>01</u> 28.11.2018</p> <p>Page /1</p>	<p>For the applicant : Mr. Amitesh Chakraborty, Ms. Krishna Das, Learned Advocates.</p> <p>For the respondent : Mr. M.N. Roy, Learned Advocate.</p> <p>The instant application has been filed by the applicant who claimed to be daughter of the deceased employee who died in harness on 31.12.2017 and the applicant has filed representation before the authority on 14.08.2018 for compassionate appointment. However, counsel for the respondent has submitted that the applicant is the daughter of the second wife and the first wife for whom the Learned S.D.J.M., Alipore vide order dated 28.11.1990 had directed the deceased employee to make payment of maintenance from his salary and on the basis of that order the first wife is getting the maintenance but till date no divorce case was filed or any order to the effect of divorce has been communicated to them and on the basis of same as well as the documents available in the office with regard to the deceased employee, the first wife, called Purnima Mitra has been granted all the pensionary benefits. However, she has also filed an application for compassionate appointment</p>	

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<p style="text-align: center;">01 28.11.2018</p>	<p>as a legally married wife of the deceased employee. The counsel for the respondent has further submitted that since the first wife has not been made party, the application should be dismissed for non joinder of parties.</p> <p style="text-align: center;">However, counsel for the applicant has prayed for leave to add the first wife as a party. Leave is granted. Counsel for the applicant is directed to add first wife as party by today. The counsel for the applicant has submitted that it would suffice his purpose if the competent authorities are directed to take decision with regard to the compassionate appointment of the applicant within a stipulated period of time. The counsel for the respondent has fairly submitted that they have no objection to consider the application of the applicant along with application of the first wife and to take decision in this regard as per Rules.</p> <p style="text-align: center;">The counsel for the respondent has submitted that the initial decision has to be taken by the</p>	

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<p style="text-align: center;">01 28.11.2018</p> <p>SC</p>	<p>Dy. Commissioner of Police (Port Division) subject to the confirmation/approval of the Respondent No. 1, Secretary, Home (Police) Deptt.</p> <p style="text-align: center;">In view of the above, competent authorities specially Respondent No. 4 & 1 are directed to take decision with regard to the application of the applicant as per law and to pass a speaking and reasoned order within a period of 8 (eight) weeks from the date of communication of this order. The application is disposed of accordingly.</p> <p style="text-align: center;">P. RAMESH KUMAR MEMBER(A)</p> <p style="text-align: center;">URMITA DATTA (SEN) MEMBER (J)</p>	

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