

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

The Hon'ble Urmita Datta (Sen) Member (J) & OA-1047 of 2017
 Hon'ble P. Ramesh Kumar, Member (A)

Durga Paul 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>02</u> 02.07.2018</p>	<p>For the applicant : Mr. Asim Kumar Das, Learned Advocate.</p> <p>For the respondent : None.</p> <p>Learned counsel appearing for the applicant is present. Affidavit of service is filed. Let it be kept with the record.</p> <p>The instant application has been filed praying for following direction :-</p> <p>a) An order directing the Secretary, Department of Health and Family Welfare to see the matter of the applicant for compassionate appointment with sympathy as the applicant is a divorce daughter of the deceased mother (G.D.A.) and take a decision for compassionate appointment in favour of the applicant as the applicant has been allowed to draw the family pension treating the applicant is a family member.</p>	

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<p style="text-align: center;">02 02.07.2018</p> <p>Page /2</p>	<p>b) An order directing the Director of Health Services, West Bengal to see the matter of the applicant with sympathy and take a decision for compassionate appointment in favour of the applicant in terms of representations marked as Annexure –G to this application.</p> <p>c) Issuance of any other order or orders and/or direction/directions by this Hon'ble Tribunal may deem fit and proper.</p> <p>As per the applicant, the mother of the applicant was a Group- D (G.D.A.) staff of Health & Family Welfare who died on 18.09.2001 (Annexure- B). At the time of death of her mother, though she was married but subsequently, she got divorced on 02.09.2002 (Annexure- E). Subsequently, she applied for compassionate appointment on the ground of her mother's death. However, by order dated 08.08.2006, which was communicated to her on 18.08.2008 by the C.M.O.H., Nadia, whereby her candidature was rejected on the ground of being divorcee daughter, who according to the respondent authority is not eligible for getting</p>	

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<p style="text-align: center;">02</p> <hr/> <p>02.07.2018</p> <p style="text-align: left; margin-top: 200px;">sc</p>	<p>filing of any application for condonation of delay. However, in paragraph 4 of the instant application, it has been stated that the application is within the period of limitation. Therefore, we do not find any reason to entertain the instant application being barred by limitation as well as the main purpose of the compassionate appointment has already been frustrated due to the lapse of long period of time. Accordingly, the original application is dismissed with the above observation. No order as to costs.</p> <p style="text-align: center; margin-top: 100px;"> P. RAMESH KUMAR MEMBER (A) </p> <p style="text-align: center; margin-left: 150px; margin-top: 100px;"> URMITA DATTA (SEN) MEMBER (J) </p>	

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