

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

**The Hon'ble JUSTICE RANJIT KUMAR BAG
& The Hon'ble DR. SUBESH KUMAR DAS**

Case No – OA 1222 OF 2016

BINA SAMADDER (NEE TARAFDAR) 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 style="text-align: center;">07</p> <hr/> <p style="text-align: center;">25.06.2018</p>	<p><i>For the Applicant : Mr. A. Ghosh, Learned Advocate.</i></p> <p><i>For the Respondents : Mr. G.P. Banerjee, Learned Advocate.</i></p> <p style="text-align: center;"><i>The applicant has prayed for direction upon the respondents to release service benefits of the deceased husband of the applicant and for quashing of order dated August 23, 2016 issued by the Principal Secretary to the Government of West Bengal, Department of Technical Education, Training and Skill Development.</i></p> <p style="text-align: center;"><i>The applicant claims to be the wife of one Tapas Samaddar who committed suicide on August 04, 2014 while he was working as Instructor attached to ITI, Howrah Homes under the Department of Technical Education, Training and Skill Development, Government of West Bengal. The criminal prosecution was started against the applicant on the allegation of abetting suicide of her husband and the said criminal case is still pending for adjudication before the competent Court of law. Previously, the applicant approached the Tribunal by filing OA-1093 of 2015 which was disposed of on April 01, 2016. This Tribunal gave direction to the Principal Secretary to the Government of West Bengal, Department of Technical Education, Training and Skill Development to consider the</i></p>	

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claim of the applicant for compassionate appointment. Accordingly, the respondent no. 1 considered the claim of the applicant for compassionate appointment and rejected the claim by passing an order dated August 23, 2016 which is under challenge in the present application.

Learned Counsel for the applicant contends that the applicant is entitled to inherit the property of her husband as the applicant is arraigned as an accused on the allegation of abetting suicide of her husband and not for commission of murder or abetting commission of murder as laid down Under Section 25 of the Hindu Succession Act, 1956. We do not find any relevance of the submission made by Learned Counsel for the applicant, as the issue involved in this application is not in connection with inheritance of property, but the applicant has challenged the reasoned order by which claim of the applicant for compassionate appointment was rejected. On consideration of the impugned order dated August 23, 2016, we find that three men enquiry committee constituted on the basis of G.O. No. 251-EMP dated December 03, 2013, issued by the Labour Department, Government of West Bengal did not recommend the applicant for compassionate appointment. The criminal case started against the applicant on the allegation of abetting suicide of her husband is still pending for adjudication before the competent court of law. Since the screening committee has not recommended the case of the applicant for compassionate appointment and since the claim of the applicant for compassionate appointment has been rejected by the Principal Secretary to the Government of West

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Bengal, Department of Technical Education, Training and Skill Development in accordance with G.O. issued by the Labour Department, Government of West Bengal, we do not find any illegality in rejecting the prayer of the applicant for compassionate appointment by order dated August 23, 2016. It is relevant to point out that on our query Learned Counsel for the applicant submits that the applicant has not submitted any formal application before the appropriate authority for release of service benefits of her deceased husband. So, the question of release of service benefits in connection with the deceased husband of the applicant does not arise. In view of our above findings, we do not find any merit in the present application.

Accordingly, the present application is dismissed.

Let a plain copy of the order be supplied to both parties.

(S.K.DAS)

Member (A)

(R.K.BAG)

Member (J)

H.S