

**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 -OA-544 of 2017.

**Soma Kundu (Banerjee). -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>06</u> 11.09.2018</p>	<p><i>For the Applicant : Mr. Mahaboob Ahmed, Advocate.</i></p> <p><i>For the Respondents : Mrs. Sunita Agarwal, Advocate.</i></p> <p style="text-align: center;">The instant application has been filed praying for the following reliefs :-</p> <p style="text-align: center;">(a) An order directing the respondents and/or their subordinates to consider the representations dated 20-06-2011 and 20-06-2012 thereby praying for an order of compassionate appointment, and pass a reasoned order upon giving an opportunity of hearing to the applicant or her authorized representative.</p> <p style="text-align: center;">(b) An order directing the respondents and/or their subordinates to transmit the entire records relating to the case before this Hon'ble Tribunal.</p>	

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	<p>As per the applicant, her deceased father was working in the Health Department and after the death of her father, her mother was appointed on provisionally as temporary Group-D staff vide order dated 27-11-1990 at Vidyasagar Hospital and was subsequently posted at SSKM Hospital, Kolkata. However she expired on 27-12-2010 living behind only her married daughter as legal heir since her husband was predeceased. As per the applicant, she got married in the year 2004 and was staying separately with her husband. However after the death of the concerned employee(i.e. her mother), the applicant submitted representation to the Medical Superintendent cum Vice-Principal(MSVP), SSKM Hospital. Subsequently she made several representations on 20-06-2011 and 30-06-2012 however with no action. Being aggrieved with she has filed the instant application praying for a direction to the respondents to consider her case. According to the applicant, she is entitled to be considered for compassionate appointment as the earning of her husband is</p>	

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	<p>meagre. During the course of the hearing the Counsel of the applicant referred the judgement of -</p> <p style="text-align: center;">The State of West Bengal &amp; Others</p> <p style="text-align: center;">-Vs.-</p> <p style="text-align: center;">Purnima Das &amp; Others</p> <p>The respondents have filed their reply. The Counsel for the respondents has raised the preliminary objection on the point of limitation. According to respondents, the mother of the applicant died in the year 2010 and the instant application has been filed in the year 2017 i.e. after 7(seven) years. Moreover the applicant cannot be treated as dependent of the deceased employee as the applicant was already married 6(six) years before the death of her mother. Therefore, she has prayed for rejection of the instant application.</p> <p>We have heard the parties and perused the records. It is noted that the applicant got married 6(six) years prior to the death of her mother and</p>	

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Mihir	<p>living separately along with her husband. Therefore in no way, the applicant is dependent upon her deceased mother. Moreover the mother of the applicant died in the year 2010 and as per the prayer of the applicant, she submitted representations on 20-06-2011 and 30-06-2012 and the instant application has been filed in the year 2017. Accordingly, the application is dismissed being devoid of any merit as well as barred by limitation.</p> <p><b>P. RAMESH KUMAR</b>                      <b>URMITA DATTA (SEN)</b> <b>MEMBER(A)</b>                                      <b>MEMBER(J)</b></p>	