

**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-753 of 2019**Bandana Ghosh Vs The State of West Bengal & Others.**

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<p style="text-align: center;">06</p> <p>-----</p> <p style="text-align: center;">13-02-2020</p>	<p>For the Applicant : Mr. J. Dey, Advocate.</p> <p>For the State Respondents : Mr.S. Ghosh, Advocate.</p> <p style="text-align: center;">The instant application has been filed praying for a direction upon the respondent to consider the case of the applicant for compassionate appointment.</p> <p style="text-align: center;">As per the applicant, his father died on 21-03-2010 leaving behind his wife and 2(two) daughters (the applicant being married in the year 2002). Thereafter the mother of the applicant approached the authority for consideration of her case for compassionate appointment on 25-03-2013. However the case of the applicant was rejected vide order dated 04-09-2013 (Annexure-A/3) on the ground that the applicant got married in the year 2002 during the life time of her father, therefore she would not get any compassionate appointment. In the mean time the applicant has come to</p>	

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	<p>know about the judgement passed in WPST No. 447 of 2013 dated 13-09-2017. Thereafter, the advocate of the applicant submitted one demand notice on 24-01-2018. Since no action has been taken, being aggrieved with, he has filed the instant application.</p> <p>The Counsel for the respondent has raised the preliminary objection on the point of maintainability of the instant applicant. As per the Counsel for the respondent, the case of the applicant was already rejected by the authority on 04-09-2013, which was never challenged by the applicant. Even she took no steps, however only in the year 2018, her lawyer sent one demand notice to consider her case. Even no such representation on the part of the applicant in this regard has been submitted. Further the applicant and her sister are married, only her mother is alive, who is getting family pension. Therefore there is no question of consideration of her case again for compassionate appointment.</p> <p>We have heard the parties and perused</p>	

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`Mihir	<p>the records. The issue of the compassionate appointment of the applicant has already rejected by the respondent on 04-09-2013, which was never challenged by the applicant she remains as fence sitter. However only when Hon'ble High Court has passed one order in another case for consideration for married daughter, she has sent one demand notice through her advocate without filing any representation before them. Therefore we do not find any reason to entertain the instant application as her case has already been rejected by the authority, which was not challenged by the applicant.</p> <p>Accordingly, the OA is dismissed being devoid of merit.</p> <p><b>P. RAMESH KUMAR</b> <b>MEMBER(A)</b></p> <p><b>URMITA DATTA (SEN)</b> <b>MEMBER(J)</b></p>	

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