

ORDER SHEET

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

**The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)**

**Case No. – OA 227 of 2024**

**Smt. Minakshi Mandal -- VERSUS – The State of West Bengal & Ors.**

Serial No. and Date of order	For the Applicant	: None.
	For the State Respondent	: Mr. G.P. Banerjee, Ld. Advocate.
<u>02</u> 16.05.2024	For the Pvt. Respondent No 2(f)	: Mrs. S. Das, Ld. Advocate.
	For the Pr.AG (A&E), WB	: Mr. B. Mitra, Ld. Depttl. Rep.

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638-WBAT/2J-15/2016 (Pt.-II) dated 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

The prayer in this application is for setting aside the impugned order dated 24.03.2023 and giving compassionate appointment to the applicant as Group –C and/or Group-D. In terms of the order of the Tribunal dated 09.03.2023 in OA 280 of 2022, the respondent authority, the Deputy Commissioner of Police, Special Task Force, Kolkata Police passed a reasoned order dated 24.03.2023. In the impugned order, the respondent authority did not consider the prayer of the applicant, Minakshi Mandal for appointment under compassionate ground on the ground that her marriage to the deceased employee was null and void because such marriage had occurred during the subsistence of the first marriage with Mita Mondal Rudra. It is also submitted that the legal heirs from the second marriage with Mita Mondal Rudra, being entitled, have already been given their proportionate benefits of Gratuity and GISS. As regards the prayer for compassionate employment, such prayer has not been considered on the same ground that the applicant's marriage with the deceased employee was during the subsistence of the first marriage with Mita Mondal Rudra and therefore, null and void.

Having heard the submissions of the counsels and considering the facts and circumstances of this case, the Tribunal finds the reasoned order not accepting the compassionate employment was correct and within the framework of law. The marriage of the deceased employee with the applicant without the first marriage being dissolved is not in dispute. Such marriage according to Hindu Marriage Act stands void in the eyes of law. Therefore,

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finding no merit in the prayer of this application for employment under compassionate ground, this application is **disposed of** without passing any orders.

**SAYEED AHMED BABA**  
**Officiating Chairperson & Member (A)**

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