

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

The Hon'ble Mrs. Urmita Datta (Sen), Member (J) &
The Hon'ble Dr. Subesh Kumar Das, Member (A).

CCP-28 of 2020 (OA- 81 of 2019)

Anindita Bose 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;"><u>01</u> 31.07.2020</p>	<p>For the petitioner : Mr. M.N. Roy, Mr. R.K. Mondal, Learned Advocates.</p> <p>For the respondent None..</p> <p style="text-align: center;">The instant application has been filed alleging the non compliance of the order dated 27.09.2019 passed in OA -81 OF 2019.</p> <p style="text-align: center;">As per the applicant, in pursuance to our order, she has filed a representation before the Principal Secretary, P.W.D. on 16.10.2019 (Annexure P/2), which was considered by the authority and ultimately they have rejected the representation of the applicant by an order dated 14.01.2020. However, as per the applicant, the respondents did not consider her case in the light of the order passed by this Tribunal.</p> <p style="text-align: center;">We have heard the applicant and perused the records. It is noted that in our order dated 08.11.2019, we have passed the following order :-“</p> <p style="text-align: center;"><i>“ In view of the above, applicant is directed to make representation along with this order before the</i></p>	

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<p style="text-align: center;">01</p> <hr/> <p>31.07.2020</p> <p>Page /2</p>	<p><i>authority for consideration of her case. Accordingly, authority is directed to reconsider the case of the applicant after taking into account the financial condition and other circumstances treating this OA as a part of it and communicate the same by passing a speaking and reasoned order within eight weeks from the date of receipt of representation. OA is disposed of accordingly.”</i></p> <p>In pursuance to that, the respondents has passed the following order :-</p> <p><i>“ In this case it is found that the date of death of the concerned employee is 31.10.2013, whereas the divorce petition was filed on 25.05.2016 i.e. after the death of the concerned employee. So as per existing government policy it does not make any difference whether the applicant has been living separately or not. The scheme of Compassionate Appointment is for the purpose of giving immediate relief from financial distress caused due to death of the sole bread winner of the family and compassionate appointment is not an alternative source of employment. In the instant case, need for immediate financial support has also not been</i></p>	

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<p style="text-align: center;">01 31.07.2020</p> <p>sc</p>	<p><i>established. Taking into account given facts and circumstances, there is no new ground for reconsideration of the applicant's plea nor is there any provision in the extant govt. rules and regulation to consider her plea. Under the circumstances, it is ordered that the prayer of Anindita Bose for appointment on compassionate ground cannot be accepted and is hereby rejected. "</i></p> <p>Therefore, in our considered view, the respondents have complied with the order. The counsel for the applicant has further submitted that the respondents did not considered the legal position with regard to the issue involved in this case in the reasoned order. However, the applicant is at liberty to take appropriate action as per law, if so advised. The application is disposed of accordingly.</p> <p style="text-align: center;">SUBESH KUMAR DAS MEMBER (A)</p> <p style="text-align: center;">URMITA DATTA (SEN) MEMBER (J)</p>	

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<p>02</p> <hr/> <p>15.02.2019</p>		

