

18.03.2021.
Item no. 149.
Court No.13
pk

**W.P.A. No. 4095 of 2020
(Through Video Conference)**

**Smt. Gangamani Bagdi
Versus
The State of West Bengal & Ors.**

Mr. Swapan Kumar Nandi,
Mr. Sibnarayan Chattopadhyay,
Mr. S. Nandi

...for the petitioner.

Mr. Susanta Pal,
Mr. Prabir Kumar Ray.

...for the State.

Pursuant to an order of this Court dated 05.03.2020, the State has filed a report in the form of affidavit. A three Man Committee report dated 02.01.2018 is annexed to the report.

The Committee has found that the petitioner got married in the year 2014. Her father was died in the same year.

The petitioner was not dependent on the father during his life time. After the death of her father she has come to live along with her husband, with the pension getting mother. She has a child now.

Counsel for the writ petitioner has taken an exception to the report. The first objection is by reference to Annexure P-5 to the writ petition. It is a communication dated 29.03.2017 issued by BDO, Mayureswar-I Development Block to the District Panchayat and Rural Development Officer, Birbhum

recommending the petitioner's case for compassionate employment and enclosing relevant documents including a report of Three Man Committee. It is submitted that no further enquiry was conducted at village of the petitioner. Hence the document dated 02.01.2018 annexed to the report of the respondent no. 4 dated 04.02.2021 is fake.

This Court is unable to countenance such argument. It is quite possible that Three Man Committee has considered the case of the petitioner afresh and has submitted a report dated 02.01.2018. It appears from the report that the petitioner is not eligible for getting appointment of compassionate ground in view of the finding against point no. 2 of the said report which is stated as follows:

<i>"2. Whether the petitioner concerned was solely dependent on the earning of deceased or incapacitated employee</i>	<i>No, the petitioner was not solely dependent on the earning of the deceased. She married before the death of her father i.e. the deceased employee and would live with her husband at her husband's residence elsewhere as per her own statement and her mother. At present she along with her husband and one child reside with her mother at the residence of the deceased."</i>
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This Court cannot disbelieve the finding of the Three Man Committee report that the petitioner was not dependent on the father during his life time. Admittedly, the petitioner has been living all along with her husband and her son separately till her father's death. She along with her husband and one child are residing since 2014 with her mother at the

residence of the deceased. The petitioner was therefore never dependent on her father i.e. deceased employee and hence the petitioner is not entitled to compassionate employment.

In view of the above, no relief can be granted to the petitioner in the instant proceeding.

The writ petition must fail and is hereby dismissed.

No order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Rajasekhar Mantha, J.)