

19.06.2024

Sl. No. 10

Ct. No. 23

Srimanta

WPA/10455/2024

Sumita Murmu

-Vs.-

State of West Bengal & Ors.

Mr. Debanshu Ghorai,

Mr. Anisur Rahman

...for the petitioner.

Mr. Bibek Jyoti Basu,

Md. Samimullah

...for the State.

The petitioner is seeking compassionate appointment on the ground that the petitioner's father, a workman in the office of the Executive Engineer, Public Works Department, Malda Electrical Division, Government of West Bengal who died in harness on 6th November, 2015. The petitioner says that her mother being the widow applied for compassionate appointment for the petitioner on 30th November, 2015, i.e. immediately after the death of the employee. The petitioner is aggrieved by the order dated 26th December, 2023 by which the Joint Secretary, Public Works Department (respondent no. 3) rejected the application for compassionate appointment. The petitioner's father was admittedly a Government employee holding a civil post under the State. In view of the provisions of the Administrative Tribunals Act, 1985 this Court does not have the jurisdiction to receive, try and determine the writ petition.

The writ petition, therefore, is dismissed as withdrawn with liberty to file a fresh before the appropriate forum on the selfsame cause. The time spent between 10th April, 2024 being the date of filing

the writ petition and this date shall be treated to be a proceeding proceeded with on a *bona fide* belief before a Court without having the jurisdiction.

(Arindam Mukherjee, J.)