

31 06.9.2021

Ct-16

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WPCT 69 of 2020

Samida Bano & Ors.

Vs.

Union of India & Ors.

Mr. Bidhayak Lahiri

Md. Nauroz Rahber

... For the Petitioners

Mr. Debasish Chattopadhyay

... For the Respondent nos. 1 to 3

Mr. Abhijit Laik

... For the Respondent no. 4

The writ petitioners are aggrieved by the order dated 28th January, 2020 passed by the Tribunal in O.A 350/01938/2018.

The writ petitioners were not represented before the Tribunal.

It appears that in the original application the writ petitioners had prayed for issuance of appropriate direction upon the respondent authorities to disburse the respective share of the service benefit, whereas from the impugned order it appears that the Tribunal had proceeded on the basis as if the writ petitioners had prayed for compassionate appointment. The Tribunal, by referring various orders passed earlier, rejected the claim for compassionate appointment. As the writ petitioners were, however, not represented on the date fixed by the Tribunal, the Tribunal could have dismissed the matter for default instead of deciding the matter on merit.

On such consideration, the impugned order passed by the Tribunal is set aside.

The Tribunal is directed to re-hear the O.A 350/01938/2018 and dispose of the same on merit afresh.

WPCT 69 of 2020 is thus disposed of without any order as to costs.

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

(Hiranmay Bhattacharyya,J.)

(Soumen Sen, J.)