

17.05.2023
DL-92
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 6321 of 2023

**Sajal Das @ Sajal Das Harijan
Vs.
Union of India & Ors.**

Mr. Kingsuk Mondal
....for the petitioner.

Mr. Amit Kumar Chaturvedi,
Mr. Avijit Banik
....for Union of India.

Mr. Mohit Gupta,
Mr. Kaushik Modak,
Ms. Mousumi Pal
....for the respondent nos. 2 to 5.

Mr. Gupta, learned counsel appearing on behalf of Punjab National Bank (PNB) submits on instructions that a sum of Rs.6,00,000/- was paid to the mother of the petitioner as one time ex-gratia lump-sum payment in lieu of appointment on compassionate ground. He draws the attention of this Court to Clause 4(B) of the said scheme. Clause 4(B) of the said scheme is reproduced hereinbelow:

“The Scheme of Compassionate Appointment will be applicable in following cases:-

- (i) Employee dying while performing his official duty as a result of violence, terrorism, robbery or dacoity.*
- (ii) Employee dying within 5 years of his first appointment or before reaching the age of*

30 years, whichever is later, leaving a dependent spouse and/or minor children.”

He submits that the petitioner’s father was not an employee who died while performing his official duty as a result of “violence, terrorism, robbery or dacoity”. Furthermore, the petitioner’s father did not die within 5 years of his first appointment or before attaining the age of 30. Therefore, the exceptional circumstances required for the dependents of an employee dying-in-harness category for appointment of compassionate ground is not applicable to the petitioner’s father. Therefore, the Chief Manager and Deputy Circle Head, Murshidabad took a decision that there was no scheme for appointment in dying-in-harness category as intimated by the communication dated February 15, 2023.

Mr. Mondal, learned counsel appearing on behalf of the petitioner submits that a scheme was prevalent for appointment of the dependents of the deceased employees on compassionate ground since 2007.

Considering the submissions of the parties and the materials placed on record, this Court is of the view that the petitioner’s mother accepted the ex-gratia payment of Rs.6,00,000/- in lieu of compassionate appointment. Such payment was made pursuant to a scheme prevalent from November

7, 2007 and the same was the applicable scheme when the petitioner's father died-in-harness on November 11, 2013.

No arbitrariness or capriciousness or perversity has been committed by the authorities concerned in rejecting the prayer of compassionate appointment since the said scheme for compassionate appointment was only applicable for the dependents of the deceased employees who came under the purview of Clause 4(B) of the scheme.

In the light of the discussions above, **WPA 6321 of 2023 is dismissed.**

Since no affidavits have been directed to be exchanged in the writ petition, the allegations contained therein are deemed not to have been admitted by the respondents.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Hon'ble Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Lapita Banerji, J.)