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05.06.2023
S.H./d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.C.T. 54 of 2023

**Sri Shyamal Das
-versus
Union of India & Ors.**

**Mr. S.R. Das,
Mr. K.P. Mukhopadhyay,
Mr. S. Rakshit.
...For the Petitioner.**

**Mr. Partha Chakraborty.
...For UOI.**

Petitioner's father took voluntary retirement from the service of the ESIC with effect from 1st June, 2017.

According to the petitioner, his father Late Poritosh Das was suffering from serious illness and he was declared medically unfit by the respondents. He was pressurized by the respondents to voluntary retirement.

The petitioner gave various representations and filed application before the Tribunal for compassionate appointment. The Tribunal dismissed the said application on the ground that the petitioner has not produced any material to show that the petitioner's father was a medically decategorized employee.

The petitioner himself has admitted that his father took VRS with effect from 1st June, 2017.

The petitioner himself has also admitted that his father was not declared as medically unfit and medically decategorized employee. Hence the petitioner is not entitled for compassionate appointment. The compassionate appointment is given to any of the eligible candidate only to meet out the indigenous circumstances of the deceased employee or the person who retired on voluntary retirement on the ground of medically unfit but in the present case, the petitioner's father retired on his own voluntary retirement from 1st June, 2017 and hence the petitioner is not entitled to compassionate appointment.

The Tribunal has rightly rejected the claim of the petitioner.

Hence, there is no reason to interfere in the order of the Tribunal.

The writ petition fails and is hereby dismissed.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(V.M. Velumani, J.)

(Rai Chattopadhyay, J.)