

27.09.2023

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W.P.A. 11012 of 2019

Smt. Keya Das

Vs.

The State of West Bengal & ors.

Mr. Chittapriya Ghosh

Ms. Priyanka Saha

... for the petitioner

Mr. Sirsanya Bandopadhyay

Mr. Arka Kr. Nag

... for the State

This is an application under Article 226 of the Constitution of India wherein the writ petitioner is aggrieved by an order dated March 16, 2017 passed by the District Inspector of Schools (S.E.), Howrah, rejecting the prayer of the petitioner from being given compassionate appointment.

The factual matrix of the case is that the petitioner's husband died in the year 2014 and a prayer for compassionate appointment was made by the petitioner.

By an order dated September 23, 2016 a coordinate Bench of this High Court directed the authority to pass a reasoned order with regard to the appointment of the petitioner. Such reasoned order is the impugned order in this writ petition.

Upon perusal of the relevant paragraphs that are delineated below, it appears that the family pension is

8. The family pension is Rs.13,005/- + Rs.7,543/- (D.A.) + Rs.300/- (M.A.) i.e. total Rs.20,848/- per month as per Govt. Rules of family pension and total gratuity is Rs.4,93,152/- at the material point of time i.e. on 30.10.2014 according to P.P.O.

9. The family members of the petitioner are 04(four) as per certificate of Gram Panchayat & her declaration also.

10. As per G.O. No.697-ES/S/IS-18/08 dt.09.07.2009 of Education Department in schedule V's clausel's explanation, the amount of family pension is much more than the salary of Group 'D' staff of Govt. as at the material point of time the monthly salary of Group 'D' staff is/was Rs.1,718/-.

The monthly income calculated for the recommendation of service is Rs.12,509/- family pension Rs.20,848/- Rs.8,339/- (40% of total pension) which is also greater than the monthly gross salary of the Group 'D' staff of the state govt. (Rs.11,718/-) at that time so the family is not running under financial hardship and financially distressed condition at all. So the claim of service of the petitioner cannot be entered. Hence as per above the petitioner's claim of service is considered & the matter is rejected.

Thus, the matter is disposed of.

All concern be informed accordingly.”

From a perusal of the order passed, this Court finds no infirmity whatsoever. It is crystal clear that the family pension of Rs.20,848/- was much higher than the salary of a Group 'D' staff of Rs.11,718/- at the material point of time.

Counsel on behalf of the petitioner argues that the salary of Group 'D' staff has to be taken at the time the order is passed. This submission is without any substance whatsoever and upon reading the scheme, it is clear that the salary of the Group 'D' staff has to be taken at the time of death of the deceased employee.

In light of the above, I find no reason to interfere with the impugned order.

The writ petition is, accordingly, dismissed.

No order as to costs.

All parties are to act on the basis of *website* copy of this order.

(Shekhar B. Saraf, J.)