

DL-17

17.08.2023
Court No.5
(AD)

WP.ST 436 of 2009

Smt. Pameli Podder (Dutta)
Vs.
The State of West Bengal & Ors.

Mr. Soumik Ganguli
Mr. Sanat Kumar Das
Mr. Sujan Chakraborty
Mr. Sourat Nandy
... for the petitioner.

Claim for compassionate appointment was initially negated by the authorities. An original application was filed challenging such prayer of rejection.

The Tribunal, by the impugned order, upheld the order of rejection.

The employee died-in-harness on December 26, 2004. His married daughter applied for compassionate appointment on October 28, 2005. It was rejected on the ground of the marriage of the daughter. The rejection by the department is dated June 25, 2007. The rejection was upheld by the impugned order, as noted above.

The Special Bench of this Court, in *2017 4 CalLT 238 (The State of West Bengal & Others vs. Purnima Das & Others)* held that the embargo on a married daughter receiving consideration for compassionate appointment was *ultra vires* and struck down the word married used in the concerned scheme for compassionate appointment.

Since, in the facts of the present case, the prayer for compassionate appointment made by the petitioner was

turned down only on the ground of the petitioner being the married daughter, the decision of the authorities as well as of the impugned order of the Tribunal are set aside.

The authorities will proceed to consider the application of the petitioner for grant of compassionate appointment in terms of the directions contained in *Purnima Das & Others (supra)*. The authorities will take into consideration whether, the petitioner was a member of the family dependent upon the income of the deceased employee or not and whether the financial aspect prescribed by the governing notification for compassionate appointment was fulfilled or not.

It is expected that the authorities will complete the entire exercise within a period of six weeks from the date communication of this order.

WP.ST 436 of 2009 is disposed of accordingly.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

