

12.09.2023
SL-12
Ct.11
(S.R.)

WPCT 110 of 2023
Ram Kumar
v.
The Union of India & Ors.

Mr. P.S. Das
Mr. Shovan Banerjee
Mr. Subhabrata Basu

... for the applicant/petitioner.

Mr. Ashok Kumar Chakraborty, Ld. ASG
Mr. Subrata Santra ... for the respondents.

The present writ petition has been preferred challenging an order dated 8th December, 2022 passed by the learned Tribunal in an original application being OA No.350/1705/2022 by which the prayers of the applicant/writ petitioner herein for appointment on compassionate ground and for cancellation of the order of termination issued against his father, namely, Ganesh Singh (in short, Ganesh) were turned down.

Mr. Das, learned advocate appearing for the petitioner submits that the original application was dismissed without considering the arguments, as advanced. Ganesh, who was employed under the Railways was illegally terminated and the order of termination was also not served upon him. The learned Tribunal glossed over the said issue and did not return any finding on the same.

Per contra, Mr. Chakraborty, learned Additional

Solicitor General appearing for the respondents submits that the original application itself was not maintainable since the son cannot challenge the order of termination issued against his father. Ganesh did not approach the learned Tribunal challenging the order of termination issued way back in the year 1990. About 32 years thereafter the son has approached the learned Tribunal. There is also no explanation as regards such delay.

According to Mr. Chakraborty, question of consideration of any prayer for compassionate appointment cannot arise since the petitioner's father is admittedly alive till date. In the said conspectus, the learned Tribunal had rightly rejected the petitioner's application and no interference is called for.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

Indisputably, the petitioner's father is still alive. In view thereof, question of grant of compassionate appointment in favour of the petitioner does not arise. The argument that the order of termination ought to have been interfered with by the learned Tribunal is also not acceptable since the person who had been suffered the said order of termination had not approached ventilating his grievances before the learned Tribunal.

The learned Tribunal, upon dealing with all the

factual issues arrived at specific findings and we do not find any patent error of law in the same. The impugned order does not suffer from any jurisdictional error or any substantial failure of justice warranting interference of this Court.

Answering our query, Mr. Chakraborty submits that for disbursement of admissible settlement dues i.e. PF and CGEGIS money, Ganesh has to fill up the claim papers in the prescribed format disclosing the details of bank account, Aadhar card, PAN card and other particulars. A letter to that effect was issued to Ganesh earlier and also during pendency of the present writ petition, on 5th December, 2022. However, he had not responded to the same. Let the letter dated 5th December, 2022, as produced, be kept on record.

In view thereof, Ganesh would be at liberty to submit the claim papers in the prescribed format incorporating all details. In the event, such claim papers along with all details are submitted by him, the respondents shall take all necessary steps towards disbursement of the benefits, in accordance with law, as expeditiously as possible.

Mr. Chakraborty assures this Court that all assistance would be extended and all details would be furnished to Ganesh for filling up and submitting the prescribed form towards disbursement of the admissible dues pertaining to PF and CGEGIS money.

With the above observations and directions, the writ petition is disposed of.

There shall, however, be no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)