

02.05.2024
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WPCT 112 of 2024
Anita Pramanik & Another
– *Versus* –
Union of India & Others

Mr. Debasis Sur,
Mr. Angsuman Patra,
Mr. Hare Krishna Halder
... for the Petitioners.
Mr. Dhiraj Trivedi,
Mr. Arijit Majumdar
... for the UoI/Respondents.

Affidavit-of-service filed by the petitioners be kept on record.

The present writ petition has been preferred to question the legality the order dated 16th November, 2023 passed in O.A.350/00631/2017 affirming the reasoned order dated 7th March, 2017 passed by the competent authority negating the claim of compassionate appointment of the petitioner no. 2.

Shortly put, the facts require to be adumbrated for the purpose of effective disposal of this writ petition are that the husband of the petitioner no.1 while working as an Inspector of Central Excise, Kolkata-1 Commissionerate died-in-harness on 28th January, 1995 leaving behind his widow and two sons.

Initially, the widow made an application seeking her employment on compassionate ground on 14th February, 2019. Subsequently, she withdrew her application on 20th June, 2000 and then her eldest son, namely, Ayan Pramanik (in short, Ayan) applied for his appointment on compassionate ground on 31st August, 2000. Ayan's

application for compassion appointment was rejected holding the same as time-barred.

Subsequent thereto, the petitioner no.2, the second son of the petitioner no.1 applied for his compassionate appointment on 10th February, 2014. His prayer was considered in the light of the circular and the scheme in vogue. An enquiry came to be commenced to ascertain the financial conditions of the family.

In course of such enquiry, it came out that the petitioner no. 1 was drawing family pension to the tune of Rs.7,200/- per month and the family had 26 cottahs of agricultural lands. According to assessment made by the respondents, the family used to earn Rs.8,000/- p.a. (approx.) from the agricultural lands. The family owns a one storied residential building covering an area of almost 7(seven) cottah of *bastu land*. The family would also own one pond comprising an area of seven *katha*. The family received terminal benefits of Rs. 2,98,625/-

Apart from that, the petitioner no.2 made the application for compassionate appointment almost after 18 years from the date of the death of his father. Ultimately, by passing a reasoned order, the competent authority negated the claim of compassionate appointment of the petitioner no. 2.

The reasoned order dated 7th March, 2017 was assailed in O.A. no. 350/00631/2017. Upon contested hearing, the learned Tribunal dismissed the original application by the order impugned in the writ petition.

Mr. Sur, learned advocate appearing for the petitioners seeks to contend that the authority concerned arrived at an erroneous finding without taking into consideration the fact that the plots of land do not stand recorded in the name of the petitioner no.2. The petitioner no.2 is an educated candidate and as such, eligible for being appointed on compassionate ground. Such argument, as advanced on behalf of the applicants was glossed over by the learned Tribunal and no finding was returned on the same.

Mr. Trivedi, learned Deputy Solicitor General appearing for the respondents contends that the purpose of giving compassionate appointment is to save a family from acute financial hardship. The family has survived for 18 years without any employment assistance which itself proves that the family was not in penurious condition. He asserts that the learned Tribunal has rightly confirmed the reasoned order.

Heard the learned advocates appearing for the respective parties and considered the materials on record.

Admittedly, the deceased employee died-in-harness in 1995 and the widow of the deceased employee applied for her compassionate appointment on 14.02.1995. Subsequently, she withdrew her said application on 20.06.2000. Thereafter, on 31.08.2000, her eldest son applied for his appointment on compassionate ground, which was rejected.

Almost after eighteen years from the date of death of the deceased employee, the petitioner no. 2 being her

youngest son approached the competent authority with a prayer for his employment on compassionate ground.

Needless to observe that the scheme for providing compassionate appointment was introduced only with an objective to give succour to the family to tide over the sudden financial crisis which left the family in penury on account of the untimely demise of its sole earning member. Compassionate appointment is not a matter of inheritance on the line of succession. Indisputably, without employment assistance, the family has survived for decades. For reason of prolonged delay, the sense of immediacy has diluted and lost. Therefore, we are of the considered view that the competent authority has not misguided itself in rejecting the claim of the petitioner no. 2 for employment assistance after lapse of a considerable period of time since the death of the employee.

We do not find any error or jurisdictional error, least to say, any patent error in the order impugned warranting interference of the same. In view thereof, the writ petition is, thus, dismissed.

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

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

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