

49 04.3.2024
Sc Ct. no.22

WPA 22654 OF 2017

Dinesh Mahato

Vs.

The State of West Bengal & Ors.

Mr. Ekramul Bari
Mr. Sk. Imtiaj Uddin
Ms. Tanuja Basak.

....For the petitioner

Mr. Supriyo Chattopadhyay
Mr. Suman Dey.

...For the State/
Respondent Nos.1 to 4

Mr. Ekramul Bari, learned counsel appears for the petitioner.

The Act impugned in this writ petition is the decision of the respondent no.3 dated **June 9, 2017, Annexure-P5 at page 25** to the writ petition whereunder the claim of the petitioner for compassionate appointment has been rejected. The content, rejecting the compassionate appointment by the respondent no.3, from its impugned decision dated June 9, 2017 is quoted below:

“With reference to the subject mentioned the undersigned has to inform her as per para-1, Schedule V of G.O.No.697-ES(S) dt.9/7/2009, that the gross family pension per month of the said deceased family is Rs.20,932/-. After reducing 40% of gross family pension, the net family pension (i.e., 60% of Gross family pension) is Rs.12,559/- (Rupees : twelve thousand five hundred and fifty nine only), which is higher than the gross salary of a Group-D staff (i.e.Rs.11,718/=) at the material point of time. So, it cannot be that the family is in the financial hardship.

Under this circumstances, the prayer of Sri Dinesh Mahato, for the appointment in D.H.category cannot be considered from this end.”

Mr. Ekramul Bari, learned counsel for the petitioner submits that, the computation arrived at by the respondent no.3 lacks details. Referring to **Schedule V** to **G.O.No.697-ES(S) dated July 9, 2009** (hereinafter the said Government Order) learned counsel for the petitioner submits that, the said Government Order gives a mandate upon the authority to calculate each and every detail and thereafter by mentioning the details of such calculation, the authority is required to take its decision and the same ought to have been reflected in its impugned decision dated **June 9, 2017**.

According to Mr. Bari since the impugned decision has not been passed in terms of the said Government Order dated July 9, 2009, the same is totally arbitrary, wrongful and illegal and is liable to be set aside.

Mr. Suman Dey, learned counsel led by Mr. Supriyo Chattopadhyay, learned Additional Government Pleader appears for the State respondents. He submits that, the impugned order is absolutely just, proper, lawful and strictly in adherence of the said Government Order dated July 9, 2009. Mr. Dey further submits that, upon arriving at a computation strictly in accordance with the said Government Order, the impugned order was passed. Hence, the same would not be interfered with.

After considering the rival contention of the parties and upon perusal of the materials on record and also upon a close scrutiny of the relevant Government Order dated July 9, 2009, produced by Mr. Bari, it appears to this Court that, the respondent no.3 while taking its decision for rejecting the claim of the compassionate appointment on the ground mentioned in the impugned decision had arrived at a computation as would be evident from the portion of the decision quoted above. To arrive at the computation and with the quantum mentioned in the said impugned decision, it is imperative that, the computation was arrived at upon considering the provision of the said Government Order dated July 9, 2009. For the executive action it is not at all required that every detailed calculation has to be featured in its decision, if the decision *prima facie* shows the application of mind by the executive and the compliance of the relevant rules holding the field, it is sufficient.

For those reasons and discussions this Court is of the firm view that, the impugned decision dated July 9, 2017 does not warrant any interference of this Court.

Accordingly, the impugned decision dated **July 9, 2017, Annexure-P5 at page 25** to the writ petition does not suffer from any infirmity and **stands affirmed.**

This writ petition, **WPA 22654 of 2017** being devoid of any merit stands dismissed, without any order as to costs.

Photostat certified copy of this order, if applied for,
be furnished expeditiously.

(Aniruddha Roy, J.)