

06.05.2024
Item No. ml. 11
Crt.No.02
b.r.

WPA 22697 of 2016

Santanu Debnath
-vs-
The State of West Bengal & Ors.

Mr. Ekramul Bari
Mr. Sk. Imtiaz Uddin
..... for the petitioner.
Mr. Pinaki Dhole
Mr. Avishek Prasad
.... For the State.

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

Mr. Avishek Prasad, learned State advocate led by Mr. Pinaki Dhole, learned State counsel appears for respondent nos. 1 to 3.

The act impugned in this writ petition is the decision of the **respondent no.3** dated **May 26, 2016, annexure p-3 at page 36** to the writ petition whereunder the claim of the petition for compassionate appointment has been rejected. The plea rejecting the compassionate appointment from the impugned order is quoted below:-

"10.	Enlistment number and date (as per D.H. register)	257
11	A) P.P.O. no.	SEC/S/BUR/K/00815/2015(K/S/07837/2015 DT.29/09/15)
	B) Amount of Gross Family Pension on the date of birth	EFP.Rs.15,165/- (w.e.f. 30/04/2014) GROSS PENSION- Rs.24,261/-

	C) 60% of Gross Pension + other income to be treated as Family income (monthly)	Rs.14,557/-+ OTHER FAMILY IHCOME-NIL. TOTAL FAMILY INCOME - Rs.14,557/-
	D) Gross Initial Salary of a Group' D' Staff at that material point of time.	BASIC- Rs.6600/- GROSS - Rs. 11,718/- (AS ON 30/04/2014)
	E) Whether Family Income is less than group "D" Staff initial salary.	No. MORE THAN Gr.-'D' INITIAL GROSS SALARY.
12	Whether "No Objection Certificate" has/have been submitted by other family member(s) in favour of candidate.	YES BY AFFIDAVIT DT.13/06/14 BEFORE EXEC.MAGISTRATE, KALNA, BURDWAN."

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** learned counsel for the petitioner submits that the Government Order gives a mandate upon the authority to calculate each and every details 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 May 26, 2016.

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 arbitrary, illegal and should be set aside.

Mr. Avishek Prasad, learned State counsel led by Mr. Pinaki Dhole, learned State Counsel appearing for the respondents submits that the impugned order is just, proper and lawful and strictly in adherence with

the said Government Order dated **July 9, 2009**, hence no interference is called for by this Court. In support, the learned State Counsel has referred to a decision of this Court, ***In the matter of :- Dinesh Mahato –vs- The State of West Bengal & Ors. dated March 4, 2024*** rendered in **WPA 22654 of 2017**.

After considering the rival contentions of the parties and upon perusal of the materials on record and on close perusal 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, arrived at a computation as would be evident from the portion of the decision quoted above.

For the executive action, this 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 **May 26, 2016** does not warrant any interference by this Court.

Accordingly, the impugned decision dated **May 26, 2016, annexure p-3 at page 36** to the writ petition does not suffer from any infirmity and stands **affirmed**.

This writ petition, **WPA 22697 of 2016** stands
dismissed, without any order as to costs.

(Aniruddha Roy, J.)