

10.06.2024
Sl. No.34(DL)
srm

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

W.P.A. No. 165 of 2024

Amit Roy

Versus

Life Insurance Corporation of India & Ors.

Mr. Deborshi Dhar

...for the Petitioner.

Mr. Sudipto Kanta Bhowmik,
Ms. Dipti Bhowmik

...for the Respondents.

1. The issue involved in this writ petition is whether the ground of rejection of the candidature of the petitioner for compassionate appointment, upon the death of his father at the age of 59 in the year 2021, who worked in the Life Insurance Corporation of India, is justified. Whether reliance upon a circular of 1987 and not the LIC Recruitment (of Class III and Class IV staff) Instructions, 1993, is proper.
2. As the death occurred after the publication of the Instructions of 1993, it is contended by Mr. Dhar that the said circular would prevail. He relies on Clause 21 thereof and submits definition of family would include

spouse, son and daughter. Employment of the petitioner's brother could not be a disqualification as the brother did not belong to the family of the petitioner. The petitioner was required to look after the family including his mother/his brother had a separate family and separate residence.

3. Mr. Bhowmik, learned Advocate appearing for the Life Insurance Corporation submits that Mr. Dhar has made submissions from the Bar. Such was not the grievance of the petitioner before the authority. Mr. Bhowmik further submits that more than one crore thirty three lakhs had been paid as death benefit to the family. The widow pension is also being disbursed. The immediate crisis was over. The family of the deceased could tide over the same. The contention of Mr. Dhar that his brother was not a part of the family of the deceased, cannot be accepted. When one of the children of the deceased was well employed and substantial amounts as death benefits has been paid apart from the widow pension, the case was not one for compassionate appointment.
4. As death benefit had been paid and the widow pension was also being disbursed regularly, it is contended that

this was not a proper case for grant of compassionate appointment, as the family was not reduced to vagrancy.

5. I find that although substantial point has been made out by Mr. Bhowmik, the order impugned is cryptic and the contention of the LIC has not been well explained in the said order.
6. Under such circumstances, the order impugned is set aside.
7. The authorities are directed to hear the petitioner afresh and pass a reasoned order in accordance with law as per the prevailing schemes and policies with all details and payments made, justifying their contentions. Such order shall be issued within two months from the date of communication of this order.
8. The writ petition is, thus, disposed of.
9. There shall be no order as to costs.
10. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)