Ct. No.4 D/L 15.12.2025
(Naba) 19

W.P.S.T. 57 of 2025

Tushar Kanti Panda
Vs.
The State of West Bengal & Ors.

Mr. S. P. Pahari
...for the Petitioner

Ms. Sonal Sinha,
Ms. Ashmita Chakraborty
...for the State

1. The writ petitioner was the applicant before the West Bengal Administrative Tribunal (In short 'Tribunal') in O.A. No. 715 of 2023 asserting a claim for compassionate appointment on account of demise of his father in harness. The Tribunal has not entertained the petitioner's claim, which was rejected by an order dated 25.07.2024 which is put to challenge in the present writ petition.

2. The writ petitioner is son of a government employee who died in-harness. The date of unfortunate demise of his father is 25.09.2015. The petitioner claimed compassionate appointment. The same was rejected by an order dated 23.08.2023, issued under signature of Additional Chief Secretary to the Government of West Bengal in the Department of Animal Resource Development, Government of West Bengal.

3. The authority has rejected the claim taking into consideration that the petitioner is guilty of deliberate non-disclosure as well as misinformation rendering the assessment of the family income to be untrustworthy. In view of such misinformation/suppression regarding relevant and material fact being the income of the family, the claim of the writ petitioner has been rejected.

4. The learned counsel for the writ petitioner has submitted that the petitioner filled up the requisite column in the form as per his understanding *bona fide*. There is no suppression of any relevant and material fact. He has referred to 251-Emp. dated 03.12.2013 being the policy for compassionate appointment. He submits that as per the policy dated 03.12.2013, there was no requirement of disclosing the monthly income of the petitioner's brother (son of the deceased government employee), since the brother, son of the deceased government employee, was living separately and not maintaining the family.

5. The learned State counsel on the other hand submits that Clause 3 of the Notification dated 03.12.2013 leaves no room for doubt that son is a dependant as per definition clause contained in Clause 3(b).

6. Clause 6 lays down the conditions to be satisfied for claiming indigency for the purpose of grant of benefit of compassionate appointment. It lays down that the monthly income of the family must fall below 90% of the gross monthly salary or below the minimum salary of a Group-D employee in case of employee other than those belonging to Group-D. Clause 6 further specifies the components to be included for calculating the gross monthly salary. The relevant extract of the Clause 6 of the policy (Emp.-251) reads:

> *"(6) Eligibility –*
>
> *(a) The family is indigent and deserves immediate assistance for relief from financial destitution. For this any of the following two conditions is to be satisfied.*
>
> *(i) The monthly income of the family falls below 90 per cent of the gross monthly salary of the employee before death or premature retirement.*
>
> *(ii) The monthly income of the family falls below the minimum salary of a Group-D employee (in case of Group-D employees) or the minimum salary of a Lower Division Clerk (in case of employees other than those belonging to the Group-D).*
>
> *The gross monthly salary, for the purpose of this definition shall mean, basic pay (Band Pay + Grade Pay), dearness allowance, house rent allowance and medical allowance.*

> *The monthly income of the family shall mean the aggregate of:*
>
> *(I) Total family pension per month (Basic Pension and Dearness Relief, Medical Allowance).*
>
> *(II) Monthly interest income @ 8% p.a. on the total amount received by the family after death of the employee or retirement of the incapacitated employee (Gratuity, Leave Encashment, any other payments excepting GPF).*
>
> *Provided that, where an ex-employee had to incur medical expenses as indoor patient prior to and leading to his death/incapacitation, such expenses is deducted from the amount received. All such expenses must be supported by original receipt/Cash memo, hospital discharge Certificates.*
>
> *(III) Monthly income from movable and immovable properties (the family members shall submit declaration on the matter).*
>
> *(IV) <u>Monthly income of the dependants of the ex-employee named in the application (the family members shall submit declaration on the matter</u>).”*
>
> *(Emphasis ours)*

7. Referring to this provision, she has submitted that the petitioner was required to furnish the monthly income of the dependants of the ex-employee, including the petitioner’s elder brother. Referring to the application form submitted by the petitioner, it is pointed out that in Column 3 of Part-II of the application form, the petitioner did

not even declare the name of his elder brother (Mrinal Kanti Panda). Referring to Clause 3 of the application form, it is submitted that the same requires disclosure of all dependants of the deceased and apart from the name, age, educational qualification, relationship is also required to be disclosed. The form further requires disclosure of a fact whether the dependant is living separately or with the family. Form requires disclosure of the marital status of the dependant, the particulars of occupation/employment (if in employment) and gross salary of such dependant who is employed.

8. We find that in the application form, copy of which was submitted to the Court after due service upon the learned counsel for the petitioner on an earlier date, the petitioner did not disclose even existence of his elder brother. He has not mentioned his name, let alone the fact whether he is living separately or with the family; details of his employment and gross salary.

9. Omission to mention such details has thus to be viewed keeping in background, the fact that it is not in dispute that the petitioner has an elder brother who is in service, which fact is evident from the affidavited no objection submitted by the petitioner's elder brother. The affidavit-cum-no

objection is dated 10.12.2015, wherein the elder brother has clearly stated about his profession being "Service".

10. The writ petitioner has withheld this vital information in the application form. The application form contains a declaration signed by the petitioner which is in the following terms:

> *"I do hereby declare that particulars given by me above are correct. If any of the particulars herein mentioned are found to be incorrect or false at the future date, my service may be terminated."*

11. Such suppression regarding the brother, his service and income, therefore, had a direct bearing on assessment of petitioner's claim to indigency, leading to a miscalculation/under evaluation of the family income.

12. Clause 6 of the Emp.251, extracted above manifests that for the purpose of assessing the monthly income of the family, the aggregate of several income including monthly income of the dependants of the ex-employee are required to be included.

13. Such inclusion has been made impossible by the petitioner, on account of suppression of the details regarding existence of the petitioner's brother and his income from his service.

14. We also find that the requirement to include monthly income of dependants in Emp-251 was not assailed by the writ petitioner.

15. In the circumstances, it is clear that there is a suppression of vital and relevant fact by the petitioner in submission of his application form for compassionate appointment, rendering the assessment of family income to be impossible.

16. Insofar as the submission of learned counsel for the petitioner that the submission was not with any *mala fide* intention and that the petitioner did not declare the details of his elder brother, since he was under the impression that the elder brother living separately need not be included, we find that such submission does not inure to the benefit of the petitioner. Even if such omission is to be viewed *bona fide*, and an opportunity granted to the petitioner to submit form afresh with such disclosure, submission of such details would increase the family income way beyond the requisite in terms of the Compassionate Appointment Scheme, since we are informed by the learned counsel for the writ petitioner that his elder brother is having salary of about ₹.50,000/- per month.

17. We, therefore, find no infirmity in the decision of the authorities in rejecting the claim of the writ petitioner.

18. The order of the Tribunal dated 25.07.2024 passed in O.A. No. 715 of 2023, therefore, requires no interference.

19. The Writ Petition being **W.P.S.T. No. 57 of 2025** is dismissed.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)