

WP.CT/144/2025

**LAXMI RAJBANSHI AND ANR.
VS.
UNION OF INDIA AND ORS.**

Mr. Srijib Chakraborty, Adv.
Mr. Subit Majumder, Adv.

...For the Respondent/
Department

Per, Sujoy Paul, ACJ.

1. None for the petitioners.
2. Mr. Srijib Chakraborty for the respondents/
department.
3. Heard.
4. The petitioners/applicants claiming themselves to be
wife and daughter respectively of deceased employee,
Sonlal Rajbanshi, filed instant O.A.1005/2017. The
order of tribunal shows that O.A. was filed against the
rejection of their representation claiming benefit of
compassionate appointment. The reasons assigned by
the tribunal are contained only in para-8, which reads
thus:-

*“There is no material on record to show that the
respondents had permitted Late Shri Sonlal
Rajbanshi to enter into a second marriage.
Hence, the respondents are within their rights
to reject the prayer of the applicant Smt. Sampa
Rajbanshi for appointment on compassionate
ground.”*

5. Thereafter the petitioners filed a review petition
R.A.350/30/2023 which was dismissed by holding
that necessary ingredients for attracting review

jurisdiction are absent. In the review, judgment of this court in *Namita Goldar & Anr. vs. Union of India & Ors.*, was cited.

6. Shri Srijib Chakraborty, learned counsel for the respondents/department supported the impugned order.
7. We have perused both the orders impugned and the record.
8. In our considered opinion, the reason given by the tribunal is sketchy which is confined only on the aspect that deceased employee entered into second marriage without obtaining permission of the department. The tribunal has not examined as to whether the children born out of such wedlock are still entitled for consideration for compassionate appointment or not. The respondents have taken a stand before the department that such issues are covered by Railway Board's letter dated 2nd January, 1992, which is mentioned in para-6 of impugned order. However, the tribunal has not tested the case of petitioners therein on the anvil of said Board circular also.
9. In our opinion, the tribunal passed a cryptic order without examining the legal right of consideration of the petitioners on the anvil of enabling provisions and governing judgments. Thus, we are unable to countenance the order dated 4th August, 2023, passed in O.A.1005/2017. Resultantly, this order and

consequential order of Review 350/30/2023 are set aside.

10. O.A.1005/2017 is restored to its original number.
11. It is expected that the tribunal will examine the matter afresh in accordance with law and pass a fresh order without getting influenced by its previous order.
12. It is made clear that this court has not expressed any opinion on merits.
13. The writ petition is, accordingly, **disposed of**.
14. Urgent Photostat certified copy of this order, if applied for, be given to the parties, on priority basis, upon compliance of all necessary formalities.

(SUJOY PAUL, ACJ.)

(PARTHA SARATHI SEN, J.)