

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

Present :-

The Hon'ble Acting Chief Justice Sujoy Paul
And
The Hon'ble Justice Partha Sarathi Sen

WPCT 228 of 2023

Madhumita Bhattacharjee and another
-Vs-
The Union of India and others

For the petitioners:

Mr. Biswarup Biswas
Mr. Prabir Rej
Mr. Pranab Kumar Das
Ms. Nupur Chaudhuri

For the Union of India:

Mr. D. N. Ray, Sr. Adv.
Mr. Rajesh Kumar Shah

For the respondent nos.4 and 5:

Mr. Narayan Ch. Bhattacharjee
Mr. Lakshmi Kanta Pal

Heard on : 16.12.2025

Judgment on : 16.12.2025

Partha Sarathi Sen, J. : –

1. The subject matter of the instant writ petition is the order dated 18.08.2023 as passed in O.A. 350/00413/2016 by the Central Administrative Tribunal, Kolkata Bench, Kolkata

(hereinafter referred to as 'The Tribunal' in short), whereby and whereunder the original application as filed by the applicants were turned down by the said Tribunal and thus by the self-same order the reasoned order of the department dated 14.12.2015 was upheld wherein the department declined to grant compassionate appointment to the original applicant no.2, who is the married daughter of the deceased employee.

2. At the time of hearing, learned counsel appearing on behalf of the writ petitioner/original applicant took us to page no.45 of the paper book being a copy of certificate dated 02.06.2015 as issued by a local councillor where the deceased employee during his life time used to reside. It is argued that from the said certificate dated 02.06.2015, it would reveal that the original applicant no.2 being the married daughter of the deceased employee even after marriage, was residing with her parents and after the death of her father with her mother, who is the original applicant no.1 before the said Tribunal and that the said certificate indicates that the original applicant no.2 (daughter) has got

no income of her own as per best knowledge of the certificate issuing authority.

3. Drawing attention to page no.49 of the paper book being a copy of the letter dated 01.09.2014 as written by the original applicant no.1 to the department, it is argued by the learned counsel for the writ petitioners that under cover of the said letter, the original applicant no.1 (widow) intimated the department to provide compassionate appointment to her daughter since she at that material point of time was not in a position to accept the compassionate appointment. It is submitted that from page 51 of the paper book, it would reveal that by an order dated 18.10.2014 the department noticed that the original applicant no.2 (daughter) is married and she is no more dependent upon the deceased employee and on such score the letter of request as issued by the original applicant no.1 dated 01.09.2014 was turned down.
4. The said order dated 18.10.2014 was challenged by filing O.A. 350/01115/2015 before the said Tribunal which came to be disposed of on 09.09.2015, whereby and whereunder the Tribunal directed the respondent authorities to consider

the claim of the applicants and to pass appropriate orders ignoring the fact that the original applicant no.2 as a married daughter was not a dependant of the employee.

5. At this juncture, learned counsel appearing on behalf of the writ petitioners took us to page 60 of the paper book being the second reasoned order dated 14.12.2015 whereby and whereunder the claim for compassionate appointment of the original applicant no.2 (daughter) was again turned down. It is submitted that on perusal of the said second order dated 14.12.2015, it would reveal that the respondent authorities wrongly noticed that the husband of the original applicant no.2 was gainfully employed at Durgapur Steel Plant which is one of the units of SAIL as a Technician in S-3 Grade and that the husband of original applicant no.2 declared the original applicant no.2 i.e. his wife as his dependent
6. It is further submitted that for depriving the writ petitioners, the respondents/ authroity in the said reasoned order dated 14.12.2015, wrongly recorded that the original employee during his life time declared his wife Madhumita Bhattacharjee as his sole dependant and discontinued the

medical facilities entitlement to his daughter, who is the original applicant no.2 before the Tribunal.

7. It is argued on behalf of the writ petitioners that the respondent authorities proceeded on the basis of misconception that the original applicant no.2 is not a dependant upon the original applicant No. 2 since she was not residing with her mother and that for the livelihood of the original applicant no.1 (widow), getting compassionate appointment of the original applicant no.2 (daughter) is not a must since the original applicant obtained terminal benefit to the tune of Rs. 50,99,998/-.
8. It is argued that while passing the impugned order, the Tribunal has also miserably failed to consider the aspect of dependency of the original applicant no.2 basically for the livelihood of her mother and for no reason whatsoever, rejected the application for compassionate appointment without considering the guidelines dated 31.01.2012 as has been annexed at page 88 of the paperbook.
9. It is further argued on behalf of the writ petitioners that the respondent authorities while passing their second reasoned

order dated 14.12.2015 and the Tribunal while passing the impugned order dated 18.08.2023 have miserably failed to visualise that the dependency of the original applicant no.2 was not only on account of death of her father but also for the livelihood of the original applicant no.1. It is further argued that sufficient materials have been placed before the respondent authorities as well as before the Tribunal that the original applicant no.2 even after her marriage was compelled to reside at her paternal home and is completely dependant upon her deceased father during his life time.

10. It is thus submitted that serious miscarriage of justice occurred while denying the compassionate appointment as sought for by the original applicant no.2, which is required to be interfered with in judicial review.
11. In course of his submission, learned counsel for the writ petitioners places reliance upon the judgment in the case of ***State of West Bengal and others vs. Purnima Das and others*** reported in ***(2017) 4 Cal LT 228 (HC)***.
12. Learned counsel appearing on behalf of the respondent authorities however supported the impugned judgment. It is

argued that in absence of any infirmity and/or illegality and/or irregularity, there is hardly any scope to interfere with the order impugned.

13. We have carefully perused the entire materials placed before us. We have also given our due consideration over the submissions of learned counsel for the contending parties.

14. For effective adjudication of the instant writ petition, we at the very outset proposes to look to the circular dated 31.01.2012 as has been annexed as Annexure P-5 (page 88 of the paper book), upon which reliance was placed on behalf of the writ petitioners.

15. Clause 4 of the guidelines reads as under:

“4. DEPENDENTS

4.1 “Dependent Family Member” means:

a) Spouse; or

b) Son, or

c) Daughter:

- who was/were wholly dependent on the employee at the time of his/her death or separation due to permanent total disablement or separation on medical invalidation as the case may be.”

16. On careful perusal of the definition of dependants, as available in the guidelines dated 31.01.2012, it appears to this court that the dependant family member includes

spouse or son or daughter. As rightly pointed out by learned counsel for the writ petitioners that from the definition of dependants no stress was given upon any words like “married daughter”. It however appears to us that in order to come under the purview of ‘dependant family members’, he/she must be wholly dependant on the employee at the time of his/her death or separation due to permanent disablement or separation on medical invalidation as the case may be.

17. Keeping in mind the definition of dependant as available in the guidelines dated 31.01.2012 as published by the respondent authorities. If we look to the factual aspect as involved in the instant writ petition, it reveals that the except a certificate dated 02.06.2015 as issued by a local councillor no material could be placed to substantiate that the writ petitioner no.2/original applicant no.2 was residing, even after marriage, with her deceased father immediately prior to his death. We have no hesitation to hold that the certificate issuing authority who has issued the certificate dated 02.06.2015 has no authority to issue such certificate and

further we have also noticed that even in such certificate the word 'dependency' finds no place.

18. At this juncture, if we once again look to the letter dated 18.10.2014 as written by the writ petitioner no.1/original applicant no.1 addressed to the respondent authorities, we also noticed that by issuing the said letter it has nowhere been stated that compassionate appointment of the original applicant no.2 was sought for the livelihood of the original applicant no.1 (widow).
19. At this juncture, if we again look to the second reasoned order dated 14.12.2015, it appears that in consonance of the judgment and order as passed in O.A. 01115/2015 the authorities have not placed much reliance upon 'married daughter' rather they have made an attempt to examine the dependency of the original applicant no.2 on the threshold of the definition 'dependents' in terms of Clause 4 of the aforementioned guidelines. In doing so, it appears that the respondent authorities have noticed that the husband of the original applicant no.2 is gainfully employed in Durgapur

Steel Plant and in his service book, he has disclosed his wife as her dependant.

20. The respondent authorities made further venture by giving a finding that immediately before the death of the original employee, the deceased employee declared his wife that is the original applicant no.1 as his dependant only and requested his employer to discontinue the medical facilities entitlement of her daughter who is the original applicant no.2.
21. While passing the self-same reasoned order dated 14.12.2015, the respondent authorities have also noticed the quantum of terminal benefit as received by the widow and came to a logical conclusion that on account of receipt of such benefit, the alleged financial distress of the original applicant no.1 is questionable.
22. On being asked by us, learned advocate appearing on behalf of the writ petitioners has miserably failed to produce any scrap of paper to substantiate that for some reason or other, the original applicant no.2 was compelled to reside at her paternal home more specifically with her father during his life time and was completely dependent upon him. We are

compelled to hold that apart from the aforementioned certificate dated 02.06.2015, no material has been placed before us or before the Tribunal to substantiate that the original applicant no.2 was at all dependent upon her father prior to his death.

23. It thus appears to us that the writ petitioners have miserably failed to discharge their initial burden to prove their dependency within the meaning of Clause 4 of the said guidelines.
24. For the reasons assigned hereinabove, we find no infirmity in the reasoned order dated 14.12.2015 as well as in the judgment and order dated 18.08.2023 as passed by the Tribunal.
25. In further considered view of this court, the reported decision of **Purnima Das** (supra) is distinguishable from the facts and circumstances of the present case and the same is no way helpful to the writ petitioners inasmuch as the writ petitioners before us has failed to substantiate their dependency upon her deceased father. Rather it appears to

us that reported decision of **Purnima Das** (Supra) really in favour of the respondent authorities.

26. With the aforementioned observation, this writ petition is **dismissed**. There shall be no order as to costs.

27. Urgent Photostat certified copy of this judgment, if applied for, be given the parties upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)

(Sujoy Paul, A.C.J.)

s.biswas

