

FMA 649 of 2022
with
IA No. CAN 2 of 2025
(Rangana Das Vs. State of West Bengal & Ors.)

Mr. Sandipan Maity
Ms. Monalisa Das

... For the appellant

Mr. Swapan Kr. Datta, GP
Mr. Tapas Kr. Roy

..... For the State respondents

Re: CAN 2 of 2025

Upon hearing the learned advocates appearing for the respective parties and considering the materials on record, we are satisfied with the explanation offered towards the absence of the learned advocate of the appellant before the Court on 4th December, 2025, when the appeal and the connected application for stay being CAN 1 of 2025 were dismissed for default.

Accordingly, the order dated 4th December, 2025 is recalled. The appeal and the connected application are restored to their respective original file and number.

The application being CAN 2 of 2025 is disposed of.

Re: FMA 649 of 2022
with
IA No. CAN 1 of 2022

The present appeal questions the legality of the order dated 14th March, 2022 passed in WPA 14773 of 2018. By the said order, the learned Single Judge dismissed the writ petition which had been preferred challenging the reasoned order dated 8th May, 2017 issued by respondent no. 3 in compliance

with the order dated 20th June, 2014 passed in WP 16972 (W) of 2014, whereby the claim of the writ petitioner/appellant for compassionate appointment was rejected, and seeking a direction upon the concerned respondents to grant such appointment in her favour.

Briefly stated, the facts leading to presentation of the present appeal are that the appellant's mother, who was serving as an Assistant Teacher in a Government-aided recognised High School, died in harness on 17th January, 2012, leaving behind two daughters. The elder daughter had been married prior to her demise. On 2nd November, 2012, the appellant, being the younger daughter of the deceased employee, submitted an application seeking appointment on compassionate grounds.

However, as no decision was taken on her application despite its receipt, the appellant was constrained to file a writ petition, being W.P. No. 16972 (W) of 2014. The said writ petition was disposed of by an order dated 20th June, 2014, whereby respondent no. 3 was directed to consider and decide the appellant's claim for appointment on compassionate grounds. Pursuant thereto, respondent no. 3 passed an order dated 8th May, 2017 rejecting the appellant's claim for such appointment.

Aggrieved by the order dated 8th May, 2017, the appellant preferred another writ petition, being W.P. No. 14773 (W) of 2018, challenging the said order of the respondent no. 3 dated 8.5.2017 and seeking a direction upon the concerned respondents to grant her appointment on compassionate

grounds. The said writ petition was dismissed by order dated 14th March, 2022, which is under challenge in the present appeal.

Mr. Maity, learned advocate, assisted by Ms. Das, learned advocate appearing for the appellant, has drawn our attention to a portion of the order impugned in the present appeal and submits that the learned Single Judge affirmed the order passed by respondent no. 3, wherein 60% of the family pension was taken into account while assessing the appellant's financial hardship. He contends that Schedule V of the applicable Rules, 2009 clearly stipulates that only 40% of the family pension is to be considered for the purpose of assessing financial hardship in cases of compassionate appointment. According to him, such infirmity warrants interference with the order under appeal.

Mr. Roy, learned advocate appearing for the State respondents, however, disputes the contention advanced on behalf of the appellant. He submits that as the appellant failed to satisfy the eligibility criteria for appointment on compassionate grounds, the competent authority rightly rejected her claim. He further contends that the appellant is presently married and leading her matrimonial life, and therefore, is no longer dependent upon the income of the deceased employee.

Heard the learned advocates appearing for the respective parties. Perused the materials on record.

The records disclose that the appellant got married in the year 2014. Thus, from the date of her marriage, she cannot be

regarded as being dependent upon the income of the deceased employee.

That apart, even assuming the appellant's contention to be correct and taking into account only 40% of the family pension for the purpose of assessing financial hardship, the said amount would come to approximately Rs. 8,000/- and odd. Upon adding a further sum of Rs. 3,000/- assessed as income from other sources, the total monthly income of the family would stand at about Rs. 11,000/- and odd, which exceeds the initial gross salary of a Group-D employee appointed in the year 2012 in the concerned establishment.

It is to be noted that, under the applicable Rules, compassionate appointment can be granted only if the total family income of the deceased employee is less than the initial gross salary of a Group-D employee in the said establishment. From this standpoint also, the appellant's claim for compassionate appointment is not tenable.

In view of the above, we are of the considered opinion that the learned Single Judge has rightly affirmed the decision of respondent no. 3 rejecting the appellant's claim for compassionate appointment and declined to issue any direction for such appointment. Accordingly, the appeal along with the connected application stands dismissed. There shall, however, be no order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)

