

06.04.2026
Item No.498
Ct. No. 1
RP

WP.CT/78/2024
Samida Bano & Ors.
Vs.
Union of India & Ors.

Mr. Khondker Samiul Haque
Mr. Debayan Roy Chowdhury
...For Private Respondent
Mr. Sanjit Kumar Ghosh
Ms. Tanusree Ghosh
...For Respondents

Dictated by SUJOY PAUL, CJ.:

1. None appears for the writ petitioners.
2. Mr. Ghosh, learned advocate appears for the Union of India and Mr. Haque, learned advocate appears for the private respondent.
3. Heard on admission.
4. The petitioners filed OA No.350/1938/2018 before the Central Administrative Tribunal (Tribunal), Kolkata Bench for claiming disbursement of shares of service benefit including Provident Fund, Gratuity, insurance and other benefits of late Aftab Alam by setting aside the speaking order dated 2.11.2018. The

Tribunal opined that the petitioners could not show any policy on compassionate appointment or relevant portion of the Pension Rules which permits the petitioners to claim the benefit of the said terminal dues of late Aftab Alam and also claimed the benefit of compassionate appointment. The Tribunal opined that the speaking order is in accordance with law.

5. On the last date of hearing, i.e. 17th March, 2026 the petitioners argued the matter for some time and then prayed for time to argue the matter armed with (i) policy for compassionate appointment and (ii) relevant Pension Rules under which aforesaid benefits of late Aftab Alam can be claimed by the present petitioners. The petitioners neither filed those documents nor remained present today to argue the matter. This is trite that the pensionary/terminal dues can be

passed on to the claimants provided there exists an enabling provision under the relevant rules. Similarly, compassionate appointment can be provided if there exists an enabling provisions to provide compassionate appointment to the brother of the late Aftab Alam. In absence of showing the same no fault can be found in the impugned order of the Tribunal dated 4th January, 2024. Thus, admission is declined.

6. Accordingly, the petition is dismissed.

(SUJOY PAUL, CJ.)

(PARTHA SARATHI SEN, J.)