

03.02.2026
Item No.2
Ct. No.1
KS

WP.CT 69 of 2023
Smt. Runu Das & Anr.
Vs.
Union of India & Anr.

Mr. S. K. Datta

..... For the Petitioners

Mr. Pulakesh Bajpayee, Sr. Adv.

Mr. Arhat Biswas

.....For the Union of India

PER, SUJOY PAUL, CJ.:

1. Parties are represented through their respective learned counsel.
2. With the consent, matter is finally heard.
3. This petition filed under Article 226/227 of the Constitution of India assails the order dated 13.03.2023 passed by Central Administrative Tribunal (Tribunal), Kolkata Bench, Kolkata in O.A. No.350/00153/2018 was dismissed.
4. The admitted facts between the parties are that Shi Ramkrishna Das, an employee of Eastern Railway died in harness on 28.08.2013 leaving behind his wife Smt. Runu Das and his daughter Smt. Nabanita Das.
5. The widow and the daughter preferred O.A. No.628 of 2016 before the Tribunal seeking compassionate appointment. The said O.A. was disposed of on 02.05.2016 directing the respondents to decide the application for compassionate appointment.

6. In turn, the Department rejected the claim by passing a speaking order. The claim of widow for compassionate appointment was considered and during selection process, it was found on 27th October, 2017 that she is medically unfit to be appointed in Railway service. The aforesaid speaking order and the rejection of widow dated 27th October, 2017 became the subject-matter of challenge in the instant O.A. No.350/00153/18.
7. After dismissal of the original application, present writ petition is filed with following prayer:-

“a) a writ in the nature of Mandamus do issue by quashing/setting aside the order dated 13.03.2023 passed by the Learned Central Administrative Tribunal, Kolkata Bench in O.A No.350/00153/2018;
b) A writ in the nature of Mandamus directing the respondents to give appointment on compassionate ground to the petitioner No.1 forthwith by setting aside the impugned orders dated 21.07.2016 and 21.10.2017 passed by the respondent authorities rejecting the claim of the writ petitioners;
c) a writ in the nature of Certiorari directing the respondents to transmit and/or produce the entire records relating to the case of the petitioner before this Hon’ble Court so that on production of the same conscionable justice may be done;
d) Rule NiSi in terms of prayer (a) to (c) above;
e) ad interim order directing the respondents to give appointment on compassionate ground to the petitioner No. 1 forthwith;
f) make the rule absolute;
g) grant costs and/or incidentals;
h) pass such other or further order or orders as Your Lordships may deem fit and proper;”

(E.S.)

8. A plain reading of prayer clause makes it clear that petitioners have confined their prayer for grant of compassionate appointment for petitioner no.1/widow.

9. In view of this specific prayer seeking compassionate appointment for widow only, the question of considering the claim of daughter does not arise. Consequently, there is no question to examine the legality, validity and propriety of speaking order dated 21.07.2016 to the extent it relates to the claim of the daughter.
10. As noticed above, the widow's claim was considered for compassionate appointment and she could not be appointed because on medical examination it was found on 27th October, 2017 that she is medically unfit to be appointed.
11. Learned counsel for the petitioners submits that the widow had donated her one Kidney to the husband because of which she was declared to be unfit but, considering her devotion and the need for employment, compassionate appointment ought to have been given to her.
12. Learned counsel for the Railway administration supported the impugned order.
13. We have heard the parties at length.
14. As noticed above, the only claim for compassionate appointment raises is in relation to the claim of the widow. Her claim was duly considered and rejected on 27th October, 2017 because upon medical examination, she was found to be unfit for employment. Despite

repeated query, no arguments could be advanced to establish that this rejection order dated 27th October, 2017 is arbitrary, illegal or hit by Wednesbury principle.

The compassionate appointment is to be given provided the candidate is eligible and suitable. The employer is the best judge to examine the eligibility and suitability.

Nothing could be pointed out which can cause a dent on the order dated 27th October, 2017 whereby petitioner/widow was declared as unfit for employment.

15. In this view of the matter, we are unable to hold that Tribunal committed any error of fact or law while declining interference.

16. Resultantly, petition fails and is hereby dismissed.

17. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(SUJOY PAUL, CJ.)

(PARTHA SARATHI SEN, J.)