

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH  
KOLKATA



OA. 350/290/2020  
MA. 350/163/2020

Date of order: 22.02.2021

Present

:Hon'ble Ms. Bidisha Banerjee, Judicial Member  
Hon'ble Dr. Nandita Chatterjee, Administrative Member

1. Archana Kundu, widow of late Sunil Kumar Kundu, residing at 6, Bijoy Nagar, Deshbandhu Pally, Post Office – Purnananda pally, P.S. Naihati, Dist- North 24 PGS. West Bengal, Pin- 743165.
2. Subrata Kundu, son of late Sunil Kumar Kundu, residing at 6, Bijoy Nagar, Deshbandhu Pally, Post Office – Purnananda pally, P.S. Naihati, Dist- North 24 PGS. West Bengal, Pin- 743165.

.....Applicants.

-versus-

1. The Union of India, through the Secretary, Govt. of India, Ministry of Defence, South Block, New Delhi- 110011.
2. The General Manager, Gun & Shell Factory, Cossiporre, Kolkata – 700002.
3. The Assistant Works Manager, Gun & Shell Factory, Cossiporre, Kolkata 700002.

.....Respondents.

For the Applicant : Mr. S. Abedin, Counsel

For the Respondents : Mr. P. N. Sharma, Counsel



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## O R D E R (Oral)

Per Ms. Bidisha Banerjee, JM:

Heard both.

2. Affidavit of service filed by the applicant is taken on record.
3. This application has been filed by the applicant to seek the following reliefs:

*"8(a) Leave to granted to file the instant application jointly under Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1987.*

*(b) An order quashing and/or setting aside the impugned orders dated 29.03.2017, 29.08.2017, 29.08.2017, 05.02.2018, 10.05.2018, 17.0-8.2018, 29.11.2018, 16.09.2019 and 17.12.2019 issued by the respondent nos. 2 and 3.*

*(c) An order directing the respondents to forthwith grant compassionate appointment to the applicant no. 2.*

*(d) In the alternative an order be passed directing the respondent authorities to reconsider the application for compassionate appointment made by the applicant no. 2.*

*(e) Such further and/or other order or orders be passed and/or direction be given as this Learned Tribunal deems fit and proper."*



4. It is submitted by the applicants that their prayers for compassionate appointment was rejected vide their order dated 17.12.2019 on the following grounds:

*"Sub: Compassionate appointment.*

*Ref: Your application dated 29-Sep-16*

*With reference to your application cited above, your case was considered by the Board of Officers for Compassionate Appointment and Score Points were assigned by the Board on different attributes as per guidelines available on the subject.*

2. *In your case, total Score Point is 41. It is intimated that as per existing Government Orders appointment on compassionate grounds can be made only to the extent of 5% of the vacancies occurring in a year against direct recruitment in any Group 'C' posts. Therefore, it could not be possible to offer employment assistance in your case due to limited number of vacancies available for the purpose and many other cases being more deserving with higher score points than yours. It is also intimated that the lowest scorepoint for which employment assistance has been recommended is 52 for the duration from January, 2019 to June, 2019.*

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3. *However, your case will be considered by the Board of Officers again as per Government Rules and decision taken in this regard will be communicated to you in due course."*

5. However, Id. Counsel for applicant submitted that after the aforesaid order, the case not yet been considered and therefore they pray for a direction to the respondent authorities to consider their prayer once again.

6. Accordingly, without entering into the merits of this matter, we propose to dispose of the matter with a direction to the respondent authorities to consider the case of the applicant again as assured through the order dated 17.12.2019 and to pass an appropriate order, in accordance with rules as early as possible.

Thus, the OA would stand disposed of. No costs.



(Dr. Nandita Chatterjee)  
Member (A)

(Bidisha Banerjee)  
Member (J)

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