

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA



No. O.A. 350/01249/2020
M.A. 350/00641/2020

Date of order: 10.2.2021

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

Ashoke Orang,
Son of Late Jaganath Orang,
Residing at Village - Kalipur,
Post Office - Simulia,
Police Station - Purulia, (Muffasal),
District - Purulia,
PIN - 723102.

..... Applicant.

-Versus-

1. Union of India,
Service though the Secretary,
Department of Central Board of Direct Taxes,
Room No. 10, 5th Floor, Jevan Vihar Building,
Parliament Street,
New Delhi - 110001.
2. The Principal Chief Commissioner of Income
Tax,
West Bengal and Sikkim Ayakar Bhavan,
P-7, Chowringhee Square,
Kolkata - 700069.
3. The Deputy Commissioner of Income Tax,
Hqrs. (Pers & Estt.),
Kolkata Aayakar Bhavan,
P-7, Chowringhee Square,
Kolkata - 700069.
4. The Assistant Commissioner of Income Tax,
Hqrs. (Pers & Estt.),
Kolkata Aayakar Bhavan,
P-7, Chowringhee Square,
Kolkata - 700069.
5. The Joint Commissioner of Income Tax (OSD),
Hqrs. (Pers & Estt.),
Kolkata Aayakar Bhavan,
P-7, Chowringhee Square,

A handwritten signature in black ink, appearing to read "Banerjee".

Kolkata - 700069.

6. The Income Tax Officer,
Ward 3(2) & Admn., Purulia,
District - Purulia,
Pin : 723101.

.....Respondents.

For the Applicant : Mr. R. De, Counsel
Ms. A. Halder, Counsel

For the Respondents : Mr. A. Mukherjee, Counsel

O R D E R (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

The applicant has approached the Tribunal praying for compassionate appointment on the grounds of demise of his father, who was an ex-employee of the respondent authorities. In particular, the following relief has been sought for in this O.A.: -

"a. For an order/ direction upon the respondents to issue appointment letter in favour of the applicant on the death of his father, Late Jagannath Orang, who was an employee of the Department of Income Tax, Government of India, in its office at Purulia.

b. For an order/ direction upon the respondents to consider the application of the applicant as submitted time to time in the office of the respondent authorities.

c. Any other order/ orders as Your Lordship may deem fit and proper."

2. Heard both Ld. Counsel, examined documents on record. This matter is taken up for disposal at the admission stage.

3. An M.A. bearing No. 350/00641/2020 has been filed praying for condonation of delay. By way of explanation, the applicant has submitted that the father of the applicant had expired on 2.6.2003, and, that the applicant had applied for compassionate appointment on 10.12.2003.

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After a series of correspondences, the applicant was directed to submit his personal information data sheet by the respondent authorities on 28.5.2018 and he had submitted the same on 11.6.2018. Not having received any response thereafter, the applicant has approached the Tribunal.

We find that the applicant had indeed applied for compassionate appointment shortly after the death of his father, was consistently following it up with the authorities and was waiting response therefrom. Hence, the delay of little over six months is condoned as the applicant has been able to demonstrate his due diligence in pursuing his prayer for compassionate appointment.

Accordingly, the M.A. No. 350/00641/2020 praying for condonation of delay is allowed.

4. Ld. Counsel for the applicant would submit that, the applicant, after the expiry of his father on 2.6.2003, had prayed for compassionate appointment on 10.12.2003 (Annexure A-3 to the O.A.). He followed up with reminders at Annexure A-5 to the O.A., and, thereafter, received a communication from the respondent authorities at Annexure A-6 to the O.A. seeking certain information from the applicant. The applicant followed up again through his representation dated 23.2.2012, and, once again responded to the information sought by the authorities at Annexure A-8 to the O.A. and the entire process of correspondences ultimately culminated in the submission of his proforma details dated 11.6.2018 (Annexure A-10 to the O.A.). As the applicant has been representing since 2003 and the respondent authorities, despite seeking



information, are yet to decide on his claim till 2018, being aggrieved, the applicant has approached this Tribunal.

Ld. Counsel for the applicant would urge that the respondent authorities be directed to decide on the matter of the applicant in a time bound manner.

5. Ld. Counsel for the respondents has not brought before us any documents to establish as to what action has been taken by the respondent authorities to decide on the prayer of the applicant for compassionate appointment.

6. We, therefore, grant the applicant liberty to prefer a comprehensive representation within 4 weeks to the appropriate authority submitting the chronological sequence of his efforts and also the fact that he had submitted all information as required by the respondent authorities from time to time. Upon receipt of such representation, the addressee respondent authority, or, any other competent respondent authority, shall examine the contents and ascertain whether the applicant's matter had ever been referred to the committee constituted for this purpose. In case, the recommendations of the committee had been received in the context of the instant applicant, the respondent authorities shall inform the applicant of such decision within 2 weeks from the date of receipt of the applicant's representation.

In the event, that the applicant's matter has never been placed before the authority, the respondent authority shall examine his eligibility and, thereafter, arrange to place his matter before the

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authorized committee. Once received, the recommendations of the committee should be conveyed to the applicant within 2 weeks thereafter.

7. With these directions, the O.A. is disposed of. No costs.
8. M.A. bearing No. 350/00641/2020 is disposed of as per Para 3 of this order.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

SP