

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

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O.A/350/1631/2019

Date of Order: 09.03.2021

Coram: Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member

Pintu Kumar Halder, son of Late Kartick Chandra Halder, of A/11, Farakka 2nd NPCC Colony, Farakka, Murshidabad, Pin. code - 742212, West Bengal.

--Applicant

-Vs-

1. Union of India, service through the Secretary, Department of Water Resource, Shram Shakti Bhawan, New Delhi - 110001.
2. Executive Engineer, Survey and Investigation Division, Farakka Barrage Project, District Murshidabad, Pin 742212.
3. Superintendent Engineer, Farakka Barrage Project, Circle No. 1 District Murshidabad, Pin 742212.
4. Prodip Halder, son of Late Kartick Chandra Halder, of A/11, Farakka 2nd NPCC Colony, Farakka, Murshidabad, Pin code - 742212, West Bengal.
5. Shibani Halder, daughter of Late Kartick Chandra Halder, of A/11, Farakka 2nd NPCC Colony, Farakka, Murshidabad, Pin code - 742212, West Bengal.
6. Sukumar Halder, son of Late Kartick Chandra Halder, of A/11, Farakka 2nd NPCC Colony, Farakka, Murshidabad, Pin code - 742212, West Bengal.

--Respondents.

For The Applicant(s): Mr. N. Roy, counsel

For The Respondent(s): Mr. S. Chattopadhyay, private respondents

: Mr. B. P. Manna (proxy counsel for official respondents)

ORDER (ORAL)

Per: Dr. (Ms) Nandita Chatterjee, Member (A):

The applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985, praying for compassionate appointment and would seek the following relief, in particular:-

"a) An order upon respondents to produce all relevant records in connection with the appointment FOR the post of Fitter in the Group of died-in-harness category in place of his deceased father Kartick Chandra Halder who died on.

b) An order or direction to the respondent authority to issue an appointment letter in favour of the applicant whereas he fulfilled all criteria made by the respondents.

c) An order directing the respondent authority to consider the letter dated submitted by the applicant dated 30.08.2019 praying for his appointment on died-in-harness category in terms of his application dated 31.08.2013."



2. Heard Ld. Counsel, examined documents on record. Ld. Proxy counsel for the official respondents would furnish his instructions in this regard. This matter is taken up for disposal at the admission stage.

3. Ld. Counsel for the applicant would submit that the father of the applicant, an ex-employee of the respondent authorities, had passed away on 01.02.1992. Upon his expiry, his eldest son had prayed for compassionate appointment but the eldest son had also passed away on 18.03.1987 (annexure A-2 to the O.A), and, upon his demise, the applicant had prayed for compassionate appointment in 2013.

In response to his prayer, the respondent authorities had sought submission of requisite documents which the applicant had duly complied with on 31.08.2013 (annexure A-2 to the O.A).

Not having heard any further from the respondents thereafter, the applicant had reminded the authorities on 30.08.2019 (annexure A-3 to the

O.A), and, being aggrieved with the inaction of the respondents, he has approached this Tribunal in the instant O.A.

4. Instructions, dated 08.08.2021, as furnished by Ld. Proxy counsel for the respondents is examined, and, the following is noted therefrom:

"The name of the applicant was considered by the committee constituted for examining the applications, submitted for appointment on compassionate ground and name of the petitioner was enrolled at Sl. 63 of the consolidated merit list drawn by the Committee for compassionate ground appointment. Petitioners claim for appointment on compassionate ground will be considered by the project authority as and when his term will come. There is no scope of FBP to appoint the applicant on compassionate ground by depriving the candidates placed in higher merit positions in the list."



5. Hence, as the respondent authorities have indicated their intention to consider the applicant's appointment on compassionate grounds upon his qualification on merit, this O.A is disposed of with the consent of the parties, by directing the respondent authorities to consider the claim of the applicant on merit vis-à-vis other aspirants to compassionate appointment, and, in accordance with law. In the event the applicant qualifies on merit, earning consideration for his appointment, the respondent shall inform the applicant of such decision and extend consequent benefits forthwith thereafter.

6. With these directions, the O.A. is disposed of. There will be no orders on costs.

(Nandita Chatterjee)
Member (A)