

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA

LIBRARY

OA. 350/1715/2019
MA. 350/1010/2019
MA. 350/1011/2019

Date : 09.03.2021

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member

1. Tuhin Chakraborty, son of late Manas Kumar Chakraborty, aged about 30 years, unemployed, residing at C/13, Ramgarh, P.O- Naktala, P.S. Netaji Nagar, Kolkata- 700047.
2. Smt. Ratna Chakraborty, wife of late Manas Kumar Chakraborty, aged about 52 years, residing at C/13, Ramgarh, P.O- Naktala, P.S. Netaji Nagar, Kolkata- 700047.

.....Applicants.

-versus-



1. Union of India, service through the Secretary, Ministry of Labour and Employment, Govt. of India, Shram Shakti Bhavan, Rafi Marg, New Delhi- 110001.
2. Chief Provident Fund Commissioner, Employees Provident Fund Organisation, Head Office, Bhavishya Nidhi Bhavan, 14, Vikaji Cama Place, New Delhi- 110066.
3. The Regional Provident Fund Commissioner, Employees Provident Fund Organisation, regional office of West Bengal and A & N Island, DK Block, Sector II, Salt Lake City, Kolkata – 700091.
4. The Additional Provident Fund Commissioner (Administration) Employees Provident Fund Organisation, regional office of West Bengal and A & N Island, DK Block, Sector II, Salt Lake City, Kolkata – 700091.

5. The Assistant Provident Fund Commissioner, (Administration) Employees Provident Fund Organisation, regional office of West Bengal and A & N Island, DK Block, Sector II, Salt Lake City, Kolkata – 700091.
6. Regional Provident Fund Commissioner – I (HRM), Employees Provident Fund Organisation, Head Office, Bhavishya Nidhi Bhavan, 14, Vikaji Cama Place, New Delhi-110066.

.....Respondents.

For the Applicant : Mr. A. Chakraborty, Counsel
Ms. P. Mondal, Counsel

For the Respondents : Mr. U. Dutta, Counsel

ORDER (Oral)

Per Ms. Bidisha Banerjee, JM:

Heard Id. Counsel for both sides.

2. This matter is taken up in the Single Bench in terms of Appendix VIII of Rule 154 of CAT Rules of Practice, as no complicated question of law is involved, and with the consent of both sides.

2. This application has been filed to seek following reliefs:

"8(a) The office order No. HRM/11/07/2015/CA- Policy matter 2484 dated 19.05.2017 issued by the respondent no. 6 is not tenable in the eye of law and as such the same may be quashed.

(b) The Internal Communication No. Pers-I/31/Tuhin Chakraborty/Vol-I/205 dated 12.07.2017 issued by the respondent no. 5 is not tenable in the eye of law and as such the same may be quashed.

(c) An order do issue directing the respondents to extend the benefit of employment assistance to applicant no. 1 on compassionate ground at an earliest along with all consequential benefits.

(d) An order do issue directing the respondents to consider the representation of the applicant no. 1 dated 13.08.2018 and 02.11.2019 to the respondent no. 5 and 6 for his employment assistance on compassionate ground.

(e) Such further or other order or orders be passed and/or direction or directions be given as your Lordships may deem fit and proper."



3. At hearing, Id. Counsel for respondents would place a communication dated 04.03.2021 which reads as under:

"Sub: MA. No. 350/1011 of 2019
MA. No. 350/1010 of 2019
Arising out of OA. 1715 of 2019

*Tuhin Chakraborty and Anrs. -----Applicants.
Vs.
Union of India & Ors.....Respondents.*

Sir,

Please refer to the above noted references on the subject matter.

In this regard it is informed that a communication dated 03.03.2021 has been received from concerned Section of this office from which it appears that the proposal for compassionate appointment in respect of Shri Tuhin Chakraborty, one of the Petitioner of the instant case is under consideration of the Head Office of this Organization.

The same may be apprised to the Hon'ble Tribunal on the next date of hearing that has been fixed on 09.03.2021."

4. In view of above, it appears that the respondents are willing to consider the case of the applicant.



5. However, Id. Counsel for applicant seeks consideration in terms of the rules that were prevailing as on the date of death of the employee since the employee had died on 23.01.2014 and immediately thereafter a representation was preferred by the widow, namely, Smt. Ratna Chakraborty seeking employment assistance on compassionate ground in favour of her son.

6. Id. Counsel for applicant in support of his claim would cite the decision in *Canara Bank & Anr. vs. M. Mahesh Kumar* reported in AIR 2015 SC 2411.

Id. Counsel for applicant would also plead that terminal benefits that have been released in favour of the applicant should not be taken into account for the purpose of consideration, in terms of *Canara Bank* *supra* in which, relying upon the decision of *Balbir Kaur & Anr. Vs. Steel Authority of India & Ors.* reported in

(2000) 6 SCC 493 it was held that terminal benefits shall not stand in the way of consideration.

7. Therefore, the OA is disposed of with a direction upon the respondent authorities to pass an appropriate order in the light of the decision as cited supra, within a period of 3 months from the date of receipt of a copy of this order.

8. Thus, the OA would stand disposed of.

Consequently, MAs also are disposed of.

No costs.

(Bidisha Banerjee)
Member (J)

pd

