

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA



OA. 350/603/2016

Date of Order: 02.02.2017.

Present : Hon'ble Mrs. Jasmine Ahmed, Judicial Member

1. Smt. Anita Pramanik, wife of late Abani Kumar Pramanik, aged about 54 years, residing at Vill & P.O. Amdabad, Dist- Purba Medinipur, 721650.
2. Shri Arpan Pramanik, son of late Abani Kumar Pramanik, aged about 29 years, residing at Vill & P.O. Amdabad, Dist- Purba Medinipur, 721650.

.....Applicants.

Vs.

1. Union of India, through the Secretary, Ministry of Finance, Govt. of India, New Delhi.
2. The Commissioner of Central Excise, Kolkata-II, M.S.Building, 51/1, Strand Road, Kolkata- 700 001.
3. The Commissioner of Central Excise, Kolkata-I Commissionerate, Kolkata Customs House, 15/1, Strand Road, Kolkata- 700 001.
4. The CPIO & Assistant Commissioner Central Excise Kolkata- I Commissionerate.

.....Respondents.

For the Applicant : Mr. A. Chakraborty, Counsel

For the Respondents : Mr. S. Banerjee, Counsel

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

ORDER (Oral)

Per Mrs. Jasmine Ahmed, JM:-

It is the contention of the counsel for the applicant that after the death of the husband of the applicant who died on 28.01.1995 she applied for compassionate appointment on 14.02.1995 but subsequently she withdrew her application on 20.06.2000 and made an application for compassionate appointment in favour of her elder son namely Ayan Pramanik. The elder son of the applicant applied for compassionate appointment vide representation dated 31.08.2000. But the respondents refused the claim of the elder son of the applicant stating that the application has been made after 3 years time period. Hence, they did not consider the case of the elder son of the applicant for compassionate appointment. Now the applicant is praying for compassionate appointment of her second son vide representation dated 10.02.2014.

2. Ld. counsel for applicant drew my attention at page 18 which is an information sought through RTI Act, 2005 by which a list was given by the respondents to whom the compassionate appointment was offered. In this regard at page 21 it is seen that the case of Arpan Pramanik i.e. the second son of the applicant was considered and considering the case in regard to liabilities left behind by the deceased employee, the Committee has not recommended the case for compassionate appointment of younger son of the applicant. Ld. counsel for applicant states that though the respondents have stated that the case of second son of the applicant has been considered on point/merit basis but no break up of marks have been provided to them. He stated that it is not known to the applicant that how the case of the applicant have considered comparatively vis-à-vis other



candidates who also gave representations for offering compassionate appointment.

3. Id. counsel for respondents states that nothing has been done illegally or arbitrarily by the respondents. The case of the applicant was considered on the basis of liabilities left behind by the deceased employee.

4. Heard Id. counsel for both the parties and perused the documents on record.

5. It is seen that the respondents have considered the case of the applicant on the basis of liabilities and they have found that the applicant have not much liabilities than the other candidates. So the respondents have regretted the case of the applicant for compassionate appointment. As the respondents have not given break ups of marks secured by the applicant, hence, naturally in the mind of the applicant there may be some doubt of favoritism or nepotism.

6. Accordingly, respondents are directed to provide the applicant a copy of comparative merit chart of the applicant vis-à-vis other candidates, within a period of one month from the date of receipt of certified copy of this order.

7. With the above such order, the OA is disposed of.

8. It is made clear that nothing is being commented on the merit of this case.



Jasmine Ahmed)
Member (J)

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