



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

An application under section 19 of the Administrative

Tribunal Act 1985

O.A. NO. 350/72 OF 2018

Arindam Mazumdar son of Late
Ardhendu Bikash Mazumdar, aged
about 34 years, residing at C/1,
Tirupati Apartment, 5, Ashwini
Dutta Road, Daroga Bari, Baguiati,
Kolkata-700028.

...APPLICANT

Versus

1. Union of India
Service through
the Secretary, Ministry
of Finance, Department
of Revenue, Govt. of
India North Block,
New Delhi-110001.

Case title
amended as per
order dt. 18/06/18
Bhar Chatterjee
revenue

2. The Commissioner of Central Excise,
Kolkata-1 Commiss-ionerate,
Kendriya Utpad Shulkya Bhawan,
1st Floor, 180, Shantipally, E.M.
Bypass, Kolkata-700107.

3. The Commissioner of Central
Excise, Union of India, Kolkata-1
Commissionerate, Kendriya Utpad


Signature

Shulkya Bhawan, 1st Floor, 180,
Shantipally, E.M. Bypass, Kolkata-
700107.

4. Assistant Commissioner (P & E),
Central Excise Kolkata-I, Committee,
Kendriya Utpad Shulkya Bhawan,
1st Floor, 180, Shantipally, E.M.
Bypass, Kolkata-700107.

5. The Administrative Officer (HQ)
Kolkata-III Commissionerate,
Kendriya Utpad Shulkya Bhawan,
1st Floor, 180, Shantipally, Rajdanga
Main Road, Kolkata-700107.

..... RESPONDENT



CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA

No.O A /350/72/ 2018

Date of order: 20.07.2018

Coram : Hon'ble Mr. A. K. Patnaik, Judicial Member

For the applicant : Mr. B. Chatterjee, counsel

For the respondents : Mr. S.K. Ghosh, counsel

ORDER(Oral)

A. K. Patnaik , Judicial Member

This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 challenging the impugned order dated 28.04.2016(Annexure A/5) issued by the Assistant Commissioner (P&E), Central Excise, Kolkata-1 rejecting the case of the applicant mentioning the ground of non-requirement of financial assistance and job on compassionate ground. The applicant has sought for the following reliefs:-

"(i) By setting aside the order impugned dated 28.4.2016 being Annexure A-5 with immediate effect;

ii) By directing the respondents to revisit the issue of granting compassionate appointment to the petitioner after giving a reasonable opportunity of hearing to him and allow him to place his case during the hearing at length;

iii) By directing the respondents to issue letter of appointment in favour of the petitioner, if, the petitioner is entitled to get compassionate appointment on the strength of the papers he will place the same before the authority at time of hearing;

iv) Such further or other order or orders be made and/or direction or directions be given as to this Hon'ble Tribunal may deem fit and proper."

WAB

2. Heard Mr.B. Chatterjee ,Id. counsel for the applicant. Mr. S.K. Ghosh who usually appears for the respondents is present before the court. On my advice, he appeared on behalf of the official respondents. Mr. Chatterjee is directed to serve a copy of the O.A. to Mr. Ghosh.

3. Mr. B. Chatterjee, Id. counsel for the applicant submitted that the mother of the applicant had filed a detailed representation to the Respondent No.5 i.e. the Administrative Officer(Hq), Central Excise, Kolkata-III Commissionerate, Kolkata praying for appointment of her son(applicant in this O.A.) on compassionate ground but very surprisingly their case has been turned down by a cryptic order dated 28.04.2016(Annexure A/5) which is impugned in this O.A.

4. With the aid and assistance of Mr. Chatterjee, Id. counsel for the applicant I have perused the order dated 28.04.2016(Annexure A/5) which reads as follows:-

"In connection with the above, the case has been placed before the Departmental Screening Committee held on 18th December, 2015.

The Committee has examined the case and is of the opinion that the family is not in penury and does not require immediate assistance to overcome financial hardships due to the death of the Govt. Servant. The case is rejected."

In my view when the representation was preferred by the applicant's mother giving details of the financial condition and other points, the respondents cannot reject their case with such one line cryptic order. The respondents have not explained as to under what circumstances they have come to the conclusion that the family is not in penury and does not require immediate assistance to overcome the financial hardships due to death of the Govt. servant. It would have been better if the respondents had explained the reasons for coming to such conclusion. In absence of such explanation, I am convinced with the submission of Mr. B. Chatterjee, Id. counsel for the applicant who submitted that the

impugned order of rejection dated 28.04.2016(Annexure A/5) should be quashed at the threshold being a cryptic one.

5. Accordingly while quashing the impugned order dated 28.04.2016(Annexure A/5), I remand the matter back to the Respondent No.5 i.e. the Administrative Officer(Hq), Central Excise, Kolkata-III Commissionerate, Kolkata for reconsideration of the entire issue keeping in mind the points raised in the representation made by the mother of the applicant and take a decision in the matter after conducting an enquiry by a responsible officer regarding the financial condition of the family of the deceased employee and other aspects as required under the rules. The Respondent No.5 is also directed to pass a reasoned and speaking order in this matter within a period of six weeks from the date of receipt of a copy of this order and communicate the same to the applicant forthwith.



6. Though I am simply remanding the matter back to the respondent No.5 to reconsider the matter, still then I hope and trust that after such reconsideration if the applicant's grievance is found to be genuine, then appropriate steps shall be taken by the respondent authorities to grant him compassionate appointment preferably within a period of six months from the date of taking decision in the matter.

7. With the aforesaid observations and directions, the O.A. is disposed of at the stage of admission itself.

8. A copy of this order be handed over to Id. counsel for both sides.

(A. K. Patnaik)
Judicial Member