

8th April., 2026

Item no.D/L 07
Court No. 18

Pradip, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 9642 of 2025**

In the matter of:
Smt. Tara Rani Majhi & Anr. *Petitioners*
VS.
Union of India & Ors.*Respondents*

For the Petitioners:
Mr. Mahadev Ghosh
Mr. Arun Kr. Paul
Ms. Shikha P. Chowdhury
Mr. Pritam Ghosh*Advocates*

For the Union of India:
Mr. Kushi Prasun Chatterjee
Mr. Ashok Bhaumik*Advocates*

1. The petitioners seek compassionate appointment. The husband of the petitioner no. 1 and the father of the petitioner no. 2 was serving in the Eastern Railway, Kolkata. He died on 3rd January, 2020. Prior thereto, the employee had tendered his application seeking voluntary retirement on 12th April, 2019 and applied for withdrawal of the same on 29th April, 2019.
2. On 3rd March, 2020, the employee was intimated that his prayer for withdrawal of voluntary retirement application has been rejected.
3. The employee concerned had expired on 3rd January, 2020, prior to the communication of rejection of his prayer for withdrawal of voluntary retirement.
4. An application was filed by the petitioner no. 1 seeking appointment of the petitioner no.2 on compassionate ground. The same not being

considered, the petitioners approached the Central Administrative Tribunal for relief. Order was passed by the learned Tribunal directing the authority to consider the prayer seeking compassionate appointment.

5. The authority considered and rejected the prayer by holding that the employee was not in service on the date of his death as his application seeking voluntary retirement was accepted by the authority with effect from 31st May, 2019.
6. The petitioners are aggrieved by the same.
7. Submission is that the employee had the discretion to withdraw the application seeking voluntary retirement within the notice period of three months. The employee was never intimated the fact of rejection of his prayer for withdrawal of application seeking voluntary retirement during his lifetime. The employee has to be taken as died-in-harness and the application of the petitioners ought to be considered.
8. Learned advocate representing the respondents relies on the report prepared by the Divisional Security Commissioner/RPF/Eastern Railway wherein it has been mentioned that the application of the petitioners seeking voluntary retirement was accepted by the authority and there is a specific note in the office file signed by the employee.
9. It has been submitted that the employee was aware that his application seeking voluntary retirement was accepted by the authority and his prayer for withdrawal of the same stood rejected.

10. Learned advocate for the respondents is unable to show any document(s) communicating the employee regarding either acceptance or rejection of his prayer seeking voluntary retirement.
11. Time has been sought for to revert with proper instruction.
12. On such prayer, relist the matter for further consideration on 22nd April, 2026.
13. Learned advocate for the respondents shall revert with document(s) to show the communication made to the employee in response to his prayer seeking voluntary retirement.
14. Parties to act on the basis of the server copy of this order duly downloaded from the official *website* of this Court.

(Amrita Sinha, J.)