

01.04.2026

Item No. 5

Ct. No.1

PG

WP.CT. 57 of 2026
Lachminia Bansfore & Anr.
Versus
Union of India & Ors.

Mr. Hemanta Kr. Das
Mr. Nirmal Royfor the petitioners

Ms. Anindita Maity
Mr. Ravi Ranjan Kumar
Mr. Sukanta Ghosh
Mr. Rohan Chamaria.....for the respondents

PER, SUJOY PAUL, CJ.:

1. This petition filed under Article 226/227 of the Constitution of India assails the order dated 19.08.2025 passed by Central Administrative Tribunal, Kolkata Bench, Kolkata in O.A. No. 350/0419/2024, whereby original application filed by petitioners was dismissed. The petitioners also challenged the said order of dismissal before the tribunal in R.A. No. 350/00040/2025, which was also dismissed on 12.11.2025. Assailing the

same, the petitioners filed the instant writ petition before this Court.

2. The petitioners/applicants filed the said O.A. against the speaking order dated 18.07.2023, whereby railway administration rejected their claim for compassionate appointment. Along with the O.A., the petitioners filed certain mark sheets and other documents to show that he is son of deceased Ashoke Bansfore.
3. The respondents/ railway administration opposed the prayer and also relied on a different set of documents to show that their stand is that petitioners could not establish that Gopal Bansfore is son of the deceased employee. The tribunal, after completion of pleadings, heard the parties and decided the matter by impugned order. The tribunal recorded as under:

“8. I have perused the above order and find it to be a reasoned and speaking order. From the above order, it is clear that the concerned Respondent Authority is not satisfied about the about the claim made by applicants that Shri Gopal Bansfore is the son of the deceased employee, Late Ashoke Bansfore.

9. The applicants have not placed any material on record to establish that Gopal Bansfore is the son of Late Ashoke Bansfore. The respondents have on the other hand, placed on record a statement from Smt. Lachminia Bansfore wherein she has stated that she had no issue from her marriage with Ashoke Bansfore (Annexure A/2). The respondents have placed on record a copy of a Succession Certificate issued by the Learned Court of District Delegate, at Barrackpore, North 24 Parganas dated 22/07/2011 in favour of Lachminia Bansfore in which there is no mention of Shri Gopal Bansfore. I have also examined the original copy of the service book of late Ashoke Bansfore and have found that the name of Gopal Bansfore does not figure anywhere in the said service book.

10. In the instant case, the respondents have not accepted the claim of Shri Gopal Bansfore (Applicant No.2) that he is the son of the deceased employee. On the contrary, the respondents are of the view that he is the brother of the deceased employee. The Chief Works Manager, Kanchrapa Workshop, Eastern Railway, has in his order dated 15/07/2023, stated that as per the Railway rules, there is no provision for grant of compassionate

appointment to near relatives of an employee who dies in harness.

11. After taking into account the submissions made during the hearing and the material on record, I am of the opinion that the competent respondent authority is justified in rejecting the prayer of the applicants for grant of appointment on compassionate ground to Shri Gopal Bansfore (Applicant No.2).

12. In view of the above discussion, I am of the view that this original application lacks merit. The O.A. is accordingly dismissed without any order as to costs.”

4. Learned counsel for petitioners by taking this Court to the various documents filed with the O.A. including the mark sheets issued by Hindi Sahitya Sammelan, Allahabad and other documents including character certificate, urged that the said certificates contain the name of deceased employee as his father.
5. The tribunal erred in holding that petitioners had not filed any document to establish that Gopal Bansfore was his father. The tribunal one-sidedly

relied on the documents relied upon by the railway administration and documents filed by petitioners escaped notice of the tribunal. Thus, finding is perverse and liable to be interfered with.

6. Learned counsel for railway administration supported the impugned order and submits that although the tribunal has not mentioned in the order as to why the documents relied upon by the petitioners are not trustworthy but tribunal indeed considered it during the course of arguments.

7. No other point is pressed by the parties.

8. A plain reading of the original application and annexures show that the petitioners relied on number of documents to show that he is son of deceased employee Ashoke Bansfore.

The tribunal in para 9 recorded that “.. *the applicants have not placed any material on record to establish that Gopal Bansfore is the son of Late Ashoke Bansfore.*” In our opinion, this finding is perverse and contrary to the record.

9. The tribunal, after considering the said documents can very well form an opinion whether such documents are trustworthy or not but giving a finding that no material is placed on record is perverse and contrary to record and therefore, whole order based on such erroneous finding cannot sustain judicial scrutiny.

10. The tribunal is obliged to examine the relevant documents filed by the parties and take a decision on the claim of compassionate appointment.

11. In this view of the matter, impugned order dated 19.08.2025 is set aside.

O.A. No. 350/0419/2024 is restored to its original number and file.

12. The tribunal is requested to re-hear the matter and decide it in accordance with law on merits.

13. The petitioners also challenged the order dated 19.08.2025, as passed in O.A. No. 350/0419/2024 by filing R.A. No. 350/00040/2025, which was dismissed on 12.11.2025. Since original order is interfered with, the order passed in review dated 12.11.2025 is also set aside.

14. With aforesaid and without expressing any opinion on merits, the petition is **disposed of.**

(SUJOY PAUL, CJ)

(PARTHA SARATHI SEN, J.)