ORDER SHEET
WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

    The Hon'ble Smt. Urmita Datta (Sen), Member (J)
&   **The Hon'ble P. Ramesh Kumar, Member (A)**

Case No <u>OA - 264 of 2018</u>

Bikramjit Roy –Vs- The State of West Bengal & Others.

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
<u>7</u> **07.03.2019**	*For the Applicant: Mr. G. Singh,* *Advocate.* *For the Respondents: None.* *The instant application has been filed challenging the impugned order dated 03.08.2017, whereby the prayer of the applicant for compassionate allowance as per Rule 12 of West Bengal Services (Death–cum-Retirement Benefit)Rules, 1971 was rejected. As per the applicant, he was dismissed from service vide order dated 24.01.2011 for unauthorised absence from duty without granting any compassionate allowances. Being aggrieved with, he had preferred one application before the Director General and Inspector General of Police for reconsideration of his prayer for compassionate allowances and approached this Tribunal earlier in O.A. No. 1188 of 2016. The aforesaid application was withdrawn by the applicant with a liberty, being premature. Subsequently, the respondents have issued the impugned order dated 03.08.2017 holding inter alia:* *"This is to inform that being the present disciplinary authority and on going through the available records including Final Order as well as Appellate Order passed by the then Disciplinary*	

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	Authority and Appellate Authority respectively in c/w North 24 Parganas district proceeding No. 21/10 dated 10/05/2010 drawn up against him, I am not inclined to allow compassionate allowance in terms of Rule 12 of West Bengal Services (Death-cum-Retirement Benefit) Rules 1971 to the dismissed constable." *Being aggrieved with, he has filed the instant application praying for a direction upon the respondents to withdraw and cancel the impugned order dated 03.08.2017 and also to grant him compassionate allowances.* *Heard the counsel for the applicant. It is noted that the applicant was dismissed from service from 24.01.2011 without granting any compassionate allowances as per Rule 12 of West Bengal Services (Death-cum-Retirement Benefit) Rules 1971which stipulates inter alia:* *"No pension may be granted to an officer dismissed or removed from misconduct, insolvency or inefficiency but to officers so dismissed or removed compassionate allowance may be granted when they are deserving of special consideration provided that the allowance granted to any officer*	

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	shall not exceed 2/3rd of the pension which could have been admissible to him if he had retired on medical certificate"	
	From the above, it is clear that it is prerogative of the disciplinary authority to grant compassionate allowance in case of dismissed person, who is not entitled for any retiral benefit as per Rules in deserving cases. In the instant case, the disciplinary authority has made it clear that the applicant was not found deserving for any compassionate allowances.	
	In view of the above provisions of Rules, the court has no scope to interfere with the decision of the authority who himself has discretionary power for granting compulsory allowances in deserving cases. Therefore, we do not find any reason to entertain the instant application being devoid of any merit. Accordingly, the O.A. is dismissed with the above observations with no order as to cost.	
A.K.P.	**P. RAMESH KUMAR** **URMITA DATTA (SEN)** **MEMBER (A)** **MEMBER (J)**	