

01. 10. 2024

BP
SL. 30
Court No. 30

**WPA 21006 of 2007
With
CAN 1 of 2021
CAN 2 of 2024
CAN 3 of 2024**

**Smt. Papia Das (Sil)
Vs.
Food Corporation of India & Ors.**

Mr. Dipanjan Chatterjee
Mr. Kalyan Kumar Bhattacharya
Ms. Sahina Khatun
Ms. Rimpa Adhikari
Mr. Kakan Das

..for the petitioner

Mr. Saptarshi Dutt

..for the FCI

Mr. Sailen Naskar

..for the respondent

**Re: CAN 2 of 2024, CAN 3 of 2024 and CAN 1 of
2021.**

1. CAN 2 of 2024 is an application praying for condonation of delay in filing CAN 3 of 2024 which is a prayer for recalling the order dated 16.05.2018 by which the writ petition was dismissed for default.
2. Considering the prayer made by the parties and considering the grounds as made out for the delay, the delay is condoned in view of the grounds as made out and also in the interest of justice. CAN 2 of 2024 is accordingly allowed. Consequently CAN 3 of 2024 also stands allowed. The order dated

16.05.2018 is hereby recalled.

3. The writ petition be restored to its original file and number.
4. CAN 1 of 2021 is an application which was first filed on 23rd November, 2021 but as the same could not be traced out, CAN 3 of 2024 was filed as per direction of the court. CAN 1 of 2021 is also accordingly disposed of along with CAN 3 of 2021.

Later:-

5. Supplementary affidavit filed by the learned counsel for the writ petitioner be kept with the record. A copy of the same is served upon the learned counsel for the respondents.
6. Heard both the parties.
7. The present writ petition relates to an application by the writ petitioner who has prayed for appointment in the died in harness category on compassionate ground for her father's death, who died in service on 08.11.2003, leaving the petitioner and her mother as his legal heirs.
8. It is submitted that the petitioner has submitted an application with the respondent authority, against which the respondent authority by their letter being no. PF (III)/1366/99 dated 21.02.2004 requested

the Block Development Officer, Suri I to send the following papers:-

“With reference to the subject cited above, it is to bring to your knowledge that the following papers/documents are required in connection with apptt. on compassionate ground of Smt. Papiya Das, daughter of Late Manik Chandra Das, Ex. Driver Grade-II expired on 08.11.2003, resident of Nutan Palli, Suri, District : Birbhum (West Bengal).

- (i) Income certificate of the family members to all adult family members separately.*
- (ii) Employment status certificate of all adult family members.*
- (iii) Certificate of total agriculture land, if any.*

It is, therefore, requested to kindly issue the above noted required papers in favour of Smt. Basanti Das, wife of Manik Chandra Das, ii) Smt. Papiya Das (Sil) daughter of Late Manik Chandra Das and Dulal Sil son-in-law of Late Das immediately for further action at our end.”

- 9.** That pursuant to the aforesaid direction of the respondents, the authorities concerned issued the necessary certificate as per their requirement.
- 10.** It is further submitted by the petitioner that in spite of receiving the said documents, the respondent authorities have remained silent and did not consider the claim of the petitioner. After a few months, the respondent authorities again by letter dated 30.07.2004, informed the mother of the petitioner to comply with certain formalities for getting appointment of the petitioner on compassionate ground.

11. It is now submitted by the petitioner that pursuant to the said letter, the petitioner submitted all the documents as required by the respondent concerned, but the respondent authority refused to grant any receipt to that effect to the petitioner, for reasons best known to them.
12. It is thus submitted by the petitioner that in spite of supplying of all documents, the respondent authorities till date have not taken any decision about the claim of the petitioner.
13. Finally the petitioner again made an application dated 28.11.2006 before the authority concerned.
14. The mother of the petitioner also made a representation on 03.07.2007 for appointment of the petitioner on compassionate ground but till date no steps have been taken by the respondent authorities.
15. **By the instant writ application, the writ petitioner has prayed for a direction upon the respondent nos. 1, 2 and 3 to consider the representation filed by the writ petitioner in accordance with law within a specified period.**
16. It is unfortunate that the father of the writ petitioner expired on **08.11.2003** more than **twenty years** have passed and till date the respondent authorities

have not disposed of the claim of the writ petitioner in accordance with law.

17. Considering the said facts, the present writ petition is disposed of with the direction that the respondent authorities shall dispose of the pending applications of the writ petitioner on hearing the writ petitioner, in accordance with law, by passing a reasoned order and duly communicating the same to the writ petitioner within a period of two months from the date of this order.

18. Writ petition stands disposed of.

19. Connected applications, if any, stand disposed of.

20. Interim order, if any, stands vacated.

21. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties expeditiously after due compliance.

(Shampa Dutt (Paul), J.)

